

ANDHRA PRADESH PRISONS

Behind Closed Doors



Commonwealth Human Rights Initiative

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ANDHRA PRADESH PRISONS

Behind Closed Doors

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Foreword

It is not for nothing that in less enlightened times prisons were sometimes known as oubliettes or places of the forgotten. In modern times the world and the Indian criminal justice system has moved away from the inherently cruel and medieval 'lock-em-up and throw away the key' approach towards crime and punishment and espoused - in theory at least - a rehabilitative approach. Prisons are now known nearly everywhere as 'correctional facilities', indicating their purpose as places that, while necessarily designed to hold people in, do so with the ultimate aim of rehabilitating offenders and releasing them back into society as productive members able to contribute positively to their environments. The new philosophy sees incarceration as a temporary phase along the path to rehabilitation; necessary in some circumstances, either to punish or to isolate, but not compulsory or endless.

Nevertheless, across the world prisons are a low-priority concern. Governments, especially those strapped for cash, provide the least they can and neglect the prisons department, its staff, infrastructure and buildings, while paying scant attention to the rights and conditions of the prisoners. Equally, society grudges expenditure or attention given to people perceived as undeserving wrongdoers, especially in a country where millions of poor barely subsist.

This neglect has its costs and society has a stake in ensuring prisons are run well. Staff - themselves often living locked in lifelong environments akin to the convicted - are demoralised and demotivated. They perform poorly and prisons become places of risk, danger and rights violation that negatively impact the world outside their iron gates.

Unreformed and unsupervised prisons, locked away from societal intervention, become schools for criminality and hothouses for quick spreading diseases like tuberculosis, sexually transmitted diseases and HIV/AIDS, all easily communicable in crowded societies.

Beyond concern for physical well-being, society has a stake in ensuring that prisoners' rights are well protected. Our constitutional form of government clothes each citizen with fundamental rights that must be protected in all circumstances; prison is no exception. A citizen in custody suffers no reduction of rights beyond that which is absolutely unavoidable by virtue of being deprived of freedom. In fact, in prison, because it has sole and complete control over the citizen, the state has a special duty of care to ensure that the citizen in custody is not exposed to any additional danger nor put at any greater risk while in custody of the state than when free. The habitual violation of prisoners' rights - that range from not ensuring safety and security, to not ensuring easy access to effective legal aid nor producing remand prisoners in court on hearing dates because no transportation has been arranged - affects each of us because we are subject to the same justice system that habitually demonstrates it cannot ensure the minimum guarantees of access to justice are properly met.

This duty to be concerned with the conditions of incarceration and the rights of persons in custody is underlined by the reality that the majority of persons going through the prison system are not criminals but simply people waiting out their time through the lengthy court process. Under-trial prisoners are almost inevitably poor people in for petty crimes. Much of their crime is driven by desperation, ignorance and poverty. Nevertheless, the creaking criminal justice system bears down much more heavily and much more unfairly on the poor. Often unable to find effective legal representation or the means to bail themselves out, they spend unacceptably long periods, sometimes more than the maximum penalty - deprived of freedom while their guilt or innocence remains to be decided in a system hallmarked by delays. In Andhra Pradesh, prisoners awaiting trial account for an average of 65% of the total prison population.

Simply said, there are just too many people in the prisons of Andhra Pradesh who should not be there. The remedies for stopping this injustice and for reducing the chronic overcrowding that overburdens the jail administration are all in place in law; bail rather than jail; effective legal defence; periodic jail house hearings by

judges aimed at delivering quick decisions; lok adalats; parole for well-behaved and long term prisoners; probation. But in the absence of anyone looking over the walls of the shuttered prison system, the remedies remain under utilised and the jails continue to fill and fester, creating embittered, alienated people who have little support or ability to integrate into society.

The prison visiting system is one more statutory but under-utilised means of mending the chronically ailing prison system. The prison visiting system is legally mandated. It allows regulated social interventions into penal institutions. Laypersons, or non-official visitors, along with ex officio members, are appointed by government to sit on a Board of Visitors. Its function is to visit prisons, monitor conditions and support and supplement the administration with resources mobilised from society. The aim is to make sure that the prison is running well and in accordance with regulations, reduce its isolation, bring comfort and assistance to inmates, help in their rehabilitation and integration into society, and support the prison administration in ramping up reformative activities.

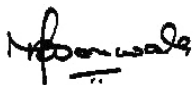
This approach of involving communities in prison activities is emphatically advocated the world over and endorsed by the United Nations and other international bodies. In India, the Supreme Court has several times reaffirmed the importance of prison visits by official and non-official visitors in the conservation of the human rights of prisoners. In Andhra Pradesh, after a bit of nudging by the High Court, the government has been appointing non-official visitors to various prisons since 1997.

Nevertheless the prison visiting system works far from well. It is little known and under-resourced. Boards of Visitors, if they are constituted at all, rarely meet; visitors are appointed late or not at all; loose criteria for appointment do not draw in the most suitable candidates; diversity of class, gender, and professional experience is poor; all prisons are not equally well covered; for the most part visitors do not know their role and function; visits are irregular, infrequent or do not happen at all; poor quality and incomplete visiting notes are of little assistance to the administration and cannot ground improvements; and, most importantly, no one is held to account for not fulfilling their duties under the system.

Nevertheless, the prison visiting system has great potential for creating change in a system that is increasingly gaining international notoriety, but at present it is in bad need of attention and improvement.

This is the primary assumption of the present study as the Commonwealth Human Rights Initiative believes that if properly chosen, sensitised and trained about their obligations and responsibilities as per the Prison Manual, non-official and official visitors can together ensure a well-functioning prison visiting system that will act as a catalyst for bringing about positive changes all along the connected chain of the criminal justice system, prodding each of its links to perform better and so improve the whole.

To create a well-functioning prison visiting system does not need more finances or manpower from the state. Nor does it call for any difficult re-organisation of the present system. It merely needs the state to act in obedience of the existing laws, rules and regulations and, for those mandated to make the system work, to carry out their duties with due diligence. It is not too much to ask.



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Update

In August 2005 the Commonwealth Human Rights Initiative (CHRI) completed this study on Andhra Pradesh's prison visiting system and submitted it to the government with practical recommendations for its improvement.

This triggered a series of steps taken by various agencies for reviving and improving the near moribund system as well as taking other steps for improved governance in prisons. As part of its engagement with the subject in 2005 CHRI organised a series of workshops focused on the prison visiting system, its legal mandate, practical implementation, reality and possibilities for prison visitors and senior prison officers.

It is gratifying to record the positive response of government. On the basis of our recommendations, the government issued directions to all the District Magistrates to take steps for the effective functioning of prison visiting system. It extended the prison visiting system¹ from a mere 20 prisons to all 141 prisons in the state. The government has also initiated the process of setting up of boards of prison visitors, which have not been constituted for years. It has also been promised by the High Court of Andhra Pradesh that all the recommendations will be taken into consideration by the prisons department while finalizing the prisons' manual. It circulated CHRI's prison visitors' handbook to prison authorities, District Collectors, prison visitors and judicial officers. This complemented our own dialogues with these authorities and has led to an appreciable increase in the coordination and intercommunication among various organs of state - prison department, Home Department, District Collectors, state human rights commissions, state legal services authority and prison visitors.

The State Legal Services Authority (SLSA) has not only agreed to implement all recommendations to improve the delivery of legal aid to indigent prisoners but has gone beyond CHRI recommendations to initiate several steps to set up mechanisms to ensure better service delivery and coordination and ensure that undertrial prisoners and convicts get the representation they need and can avail of the many provisions which can speed up trial and ensure bail or parole. This will also help reduce the chronic problem of overcrowding.²

Similarly, concerned with CHRI's reports that medical services were lacking, the State Human Rights Commission has recently initiated enquiries to examine the causes of frequent deaths in prisons in which it has asked CHRI to assist it in the process and to evolve improved medical policy in the prisons.

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Introduction

Prison conditions across India are sub-standard. Protective legal standards for prisoners are barely adhered to even if set down on paper and prison conditions with a few honorable exceptions are uniformly dreadful. CHRI's Prisons and Human Rights Programme focuses on improving the lot of prisoners and strengthening capability of the administrators to run efficient, legal and human rights compliant prisons through reviving the near defunct prison visiting system. The system involves officials and lay visitors³ drawn from the community. It requires them to visit and report on the situations they find in prisons and engage with the prison administration and the line ministries to deal with prisoners' and administrative difficulties and work for the continual improvement of the system through regular monitoring through a system of periodic visits, which is laid down in law. Lay and official visitors are both to ensure effective oversight and community involvement in the system. Through engaging with the prison visiting system, CHRI seeks adherence to legal standards and obligations of the state that are designed to ensure prisoners rights, ameliorate the living conditions of prisoners and ensure attention to the sometimes difficult conditions experienced by prison personnel.

CHRI started its programme in 1999 with a study on the functioning of the prison visiting system in Madhya Pradesh, which revealed severe inadequacies in the prison visiting system and suggested the need to overhaul it. Over the past few years with the active cooperation of governments of Madhya Pradesh, Rajasthan, and Chhattisgarh and in collaboration with state Human Rights Commissions of these states, CHRI has engaged key actors and stakeholders in active dialogue to address the problems faced by the prison staff and prisoners.

The prison visiting system is mandated by the Prison Act 1894. It is designed to ensure that access to prisons is given to independent persons from the community. The prison visiting system, when it is

effective, provides a useful means for looking into prisoners' complaints, addressing administrative difficulties, and monitoring the functioning of prisons by independent means. It is a mechanism that potentially has the ability to involve other departments of the government and civil society organisations to address the problems faced by both the prison staff and prisoners.

Section 59(25) of the Prisons Act 1894 provides for the appointment and regulation of prison visitors. Several times in the past the Supreme Court has emphasised the importance of the prison visiting system to improving the prison conditions in the country. The prison visiting system consists of both official and non-official visitors. Official visitors are too overburdened with other more pressing business. While functioning as prison visitors they cannot do anything more than make ceremonial and perfunctory visits. However through its earlier interventions in Madhya Pradesh, Rajasthan and Chhattisgarh, CHRI has been able to realise the potential of non-official visitors by improving their functioning. CHRI has educated the prison visitors on the importance of human rights, national and international standards on prisoners' rights and redressal mechanisms; provided training on the role, duties and powers of prison visitors as given in the Prison Manual and created solidarity and networking among the non-official visitors, official visitors, prison department, legal aid services, credible non-government organisations and members of prisoners' families to collectively address the maladies existing within prisons. CHRI advocates for better recruitment and selection criteria for visitors and the accountability of the visitors and creation of space for credible interest groups to be appointed as visitors. CHRI perceives that by developing friendly and mutually complementary relations between the prison staff and prison visitors, the prison conditions can be improved.

With the background of experience working with stakeholders of prison visiting system in other states,

CHRI extended its programme to the state of Andhra Pradesh in August 2004 and undertook a study on the existing system of prison visiting in the state. The study primarily focused on the functioning of non-official visitors but did not exclude the concerns associated with it.

Objectives

The objectives of the study were to examine the present state of the statutorily mandated prison visiting system in Andhra Pradesh and to make practical recommendations for its improvement. In particular, CHRI studied how prison visitors are selected; what criteria is used to identify and finalise nominations; what understanding non-official visitors have of their roles, responsibilities, and the rules and laws that govern the prison; whether visitors fulfill duties and functions according to the statutory guidelines in the Prison Manual and court judgments that form part of the law; what is outlined in the constitution of visiting boards in terms of the periodicity of visits, the processing of visiting notes and of action taken on the observations made by visitors; and the mutual perceptions and relationships between the prison visitors and prison staff.

Methodology⁴

The report and its observations are based on visits to 20 prisons between January 2005 and July 2005 by a study team that interviewed 66 prisoners, 53 non-official visitors, 17 prison doctors, 11 judicial and legal aid officers, retired prison officers, social workers in the prisons and 7 District Magistrates. The secondary data for the study was collected from prison headquarters. In order to ensure a sound empirical basis for recommendations CHRI reviewed data, administered questionnaires to all the officials and non-officials concerned with the prison visiting system, and supplemented these with personal interviews with prisoners, prison staff, District Magistrates, retired prison officers and non-official visitors.

Chapter 1

Prisons and prison conditions in Andhra Pradesh

In Andhra Pradesh, the Department of Prisons and Correctional Services functions under the administrative control of the Home Ministry. It is headed by the Director General and Inspector General of Prisons. The Director General is appointed from the Indian Police Service with or without a fixed term. He is assisted by two Additional Director Generals of Prisons at the state level and by three Inspectors General of Prisons at the regional level.

1.1 Number and category of prisons in Andhra Pradesh

Prisons in Andhra Pradesh are categorised into Central Prisons, District Jails, State Jails for Women, prisoners agricultural colonies, borstal school and sub-jails. All the Central and District Jails are located at district headquarters, except the Central Prison of Rajahmundry in East Godavari district and the Asifabad District Jail in Adilabad district. Jails with accommodation for more than five hundred prisoners are called Central Prisons. Prisoners sentenced to imprisonment exceeding two years are confined in Central Prisons. Each Central Prison is also the District Jail for the district in which it is located and is used as a District Jail for the reception of prisoners from the adjoining districts where there are no District Jails.

Prisoners sentenced to imprisonment for up to two years and those who are in transit to Central Prisons are confined in District Jails. Prisoners sentenced to a term less than one month are usually confined in sub-jails. Though Central and District Jails are supposed to be predominantly meant for convicted

prisoners, undertrial prisoners are not excluded from them where no sub-jails are available. But the general pattern of location is that sub-jails are provided in large towns where Central or District Jails are located. Therefore, undertrial detainees and convicted detainees sentenced to less than a month's detention are also invariably confined in the Central and District Jails.

Andhra Pradesh is geographically divided into three prison regions: Rayalaseema, Coastal Andhra and Telangana, each covering more than one district. At present there are 7 Central Prisons, with an authorised capacity of 6,632 detainees. There are 9 District Prisons, with an authorised capacity of 1,637 and 120 sub-jails of which only 106 are functioning at present. The total authorised capacity of these sub-jails is 3,227. 22 sub-jails are in the process of being taken over by the prison department from judicial department⁵. There are two state jails for women, one in Hyderabad and the other in Rajahmundry, with a combined capacity of 320. There is one borstal school located at Nizamabad where adolescent offenders in the age group of 16 to 21 years are detained. It has a capacity of 93 inmates. There are two open prisons, one at Hyderabad, located in 140 acres of land, while the other one at Anantapur is 1,428 acres. In addition, a camp jail at Gachibowli and a semi-open prison at Rajahmundry are functioning. Well-behaved and healthy convicts with rural backgrounds who are not involved in grave offences are selected to work in open prisons. The two prisons have a capacity of 385 prisoners. The prison headquarters is located near Chenchalguda Central Prison, in the old city of Hyderabad. The State Institute of Correctional Administration is also located nearby the prison headquarters.

Table 1
Jails in Andhra Pradesh

Category of prison	Number prisons December 2005	Detainees	Location of jails
Central Prison	7	All prisoners sentenced to imprisonment exceeding one month, including prisoners sentenced for life	Hyderabad, Cherlapalli, Warangal, Nellore, Rajahmundry, Visakapatnam, Kadapa
District Jail	9	All prisoners sentenced to imprisonment up to 2 years	Guntur, Vijayawada, Sangareddy, Karimnagar, Asifabad, Anantapur, Nizamabad, Mahaboobnagar and Nalgonda

Category of prison	Number prisons December 2005	Detainees	Location of jails
Prisoners' Agriculture Colony	2	Prisoners sentenced to life, who have already spent 3 to 4 years and strong family ties in regular prisons with clean record	Hyderabad and Anantapur
State Jail for Women	2	All female prisoners sentenced to imprisonment exceeding one month and up to imprisonment for life including death	Hyderabad and Rajahmundry
Borstal School	1	Adolescent prisoners who are not less than 16 and not more than 21 years of age	Nizamabad
Sub-Jail	106	All the prisoners sentenced up to one month.	There are 147 sub-jails in the state but only 106 are functioning at present.

Location of Sub-Jails in the state: Ranga Reddy: Pargi; Medak: Medak, Siddipet, Andhole (Jogipet); Karimnagar: Jagitial, Huzurabad, Manthani; Mahaboobnagar: Narayanpet, Kalvakurthi, Kodangal, Nagar Kurnool, Achampet, Kollapur; Nalgonda: Bhongir; Suryapet, Devarakonda, Miryalaguda, Huzurnagar; Nizamabad: Kamareddy, Bodhan, Yellareddy, Armoor; Adilabad: Adilabad, Nirmal, Luxettipet, Sirpur, Chennur; Warangal: Jangoon, Narasampet, Parkal, Mahaboobabad; Khammam: Khammam, Bhadrachalam, Yellendu, Madhira, Sathupally, Venkatapuram; Krishna: Nandigama, Nuzvidu, Gannavaram, Kaikalur, Gudivada, Machilipatnam, Avanigadda, Thiruvur, Jaggaiahpet; Guntur: Tenali, Bapatla, Mangalagiri, Narasaraopet, Vinukonda, Repalle, Sattenapally, Gurajala, Ponnur; West Godavari: Eluru, T.P.Gudem, Narsapur, Kovvur, Tanuku, Bhimavaram, Chinatalapudi, Polavaram; East Godavari: Kakinada, Peddapuram, Tuni, R.C. Puram, Pitapuram, Razole, Amalapuram, Kothapet, Alamuru, Prathipadu, Mummdivaram, Rajahmundry; Visakapatnam: Anakapally, Elamanchili, Narsipatnam, Chodavaram, Chintapalli, Bheemunipatnam; Vizianagaram: Vizianagaram, Srungavarapukota, Parvathipuram, Bobbili, Salur, Cheepurupally; Srikakulam: Srikakulam, Palakonda, Narsannapet, Pathapatnam, Tekkali, Sompeta, Ichapuram; Kurnool: Kurnool, Allagadda, Adoni, Aluru, Dhone,

Koilakuntla, Nandyal, Nandikotkur, Pathikonda, Banaganapalli; Anantapur: Dharmavaram, Gooty, Hindupur, Kadiri, Kalyanadurg, Madakasira, Rayadurg, Penukonda, Tadipatri, Uravakonda; Kadapa: Proddutur, Jammalamadugu, Pulivendulu, Rajampet, Kamalapuram, Siddout, Badvel, Rayachoti, Lakkireddypally; Chittoor: Chittoor Grade II, Chittoor, Tirupati, Palamaneru, Madanapally, Pileru, Srikalahasti, Puttur, Satyvedu, Vayalpadu, Chandragiri; Nellore: Kavali, Gudur, Sulerpet, Atmakur, Venkatagiri; Prakasham: Ongole, Kandukur, Giddalur, Darsi, Podli, Markapur, Kanigiri, Erragondapalem.

1.2 Overcrowding

Indian prisons are notorious for overcrowding. Andhra Pradesh is no exception, though the picture looks rosier if occupancy rates are compared with states like Bihar, Uttar Pradesh and Madhya Pradesh. The government claims that in Andhra Pradesh there are only 12-14% more prisoners than prison accommodation. However, comparing the macro data of prison occupancy rate against the accommodation available does not give the real picture of high levels of overcrowding.

As on 31 December 2005 there are 127 prisons in

Andhra Pradesh with a total capacity of 12,339 inmates see annexure D. On that date these accommodated a daily average prison population of 14,566, which is 18% more than authorised capacity. But when looked at by category a different picture emerges. For instance as on 28 May 2005, the Central Prisons accommodated 20% more inmates than their capacity and District Jails 46% more than their capacity. Even the state jails for women were accommodating 16% more than capacity. However the prisoners' agriculture colonies and sub-jails on aggregate are not overcrowded.

Further disaggregating of the macro data shows a darkening picture. For instance, the level of overcrowding at Kadapa Central Prison was highest at 83% more than its capacity; Rajahmundry Central Prison came next with 29% more prisoners than it can actually hold⁶. The conditions of living in Rajahmundry are compounded to unacceptable levels because the

prison is one of the oldest and comes with crumbling walls and barracks that are unsuitable for human habitation by any standards.

The picture in district prisons is even more alarming. The Anantapur District Jail has a capacity of 100, but houses more than 300 prisoners. This overcrowding can be eased without much difficulty if the three buildings, meant for a Borstal School but left vacant at present are slightly modified to lodge undertrials accused of petty crimes. The Vijayawada and Mahaboobnagar District jails are no better and hold double the numbers they are authorised to accommodate. Similarly the Medak District Jail at Sangareddy, with a capacity of 100, has been holding more than 272 inmates.. Likewise the sub-jails in Guntur, East Godavari, Adilabad, Nizamabad, Medak and Anantapur are vastly overcrowded and require urgent attention (for details see annexure E).

1.3 Prison buildings

SL	Name of the Prison/Jail	Year of construction
1.	Nizamabad District Jail	About 400 years old, originally a fort of Kingdom of Rashtrakoots in the middle ages. This is the strongest prison but 69 prisoners escaped from here in 1998.
2.	Sangareddy District Jail	1796 - Some parts are renovated
3.	Rajahmundry Central Prison	Originally a Dutch fort, which was made a district prison in 1834 and reconstructed as a Central Prison in 1861
4.	Hyderabad Central Prison	1876
5.	Mahaboobnagar District Jail	1884 - under renovation
6.	Warangal Central Prison	1886
7.	Karimnagar District Jail	1897 -New barracks added
8.	Visakapatnam central Prison	1902 -New prison was built in 1999
9.	Nellore District Jail	1901 -Renovated 1964
10.	Vijayawada District Jail	1908
11.	Nalgonda District Jail	1916
12.	Women's prison, Rajahmundry	1955

1.4 Construction of new prisons

Some of the more important prisons are over a hundred years old. In 2000-2001, to reduce congestion in prisons and to provide better amenities to prisoners, two new Central Prisons were constructed at Hyderabad and Visakapatnam at a cost of Rs. 60 crores. These prisons, the department claims, were designed in accordance with the United Nations Standard Minimum Rules and the Model Prison Manual. Each is located in 100 acres of land and provides all facilities to staff like housing, recreation, welfare centres, bank, post office and community centres.

For the past few years the union government has been granting funds for construction of new prisons or to take up renovation activities in the existing prisons of the state. As part of these activities, new prisons have come up in Hyderabad and Visakapatnam and four more prisons are under construction in Nizamabad, Khammam, Vijayawada and Srikakulam. New sites have been identified for construction of District Jails in Sangareddy and Adilabad towns to replace the existing old prisons. Wherever new prisons are under consideration, even the smallest renovations for the old prisons are not undertaken.

There are no internal walls segregating prisoners in Anantapur District Jail. 300 prisoners are locked up throughout the day and throughout the night in the jail.

In Mahaboobnagar, portions of the prison are under renovation. New barracks have been opened in Sangareddy prison. Whenever new barracks are constructed, old ones are not decommissioned but are used for accommodating prisoners during periods of overcrowding. It is clear from this that construction of new prisons alone will not solve the problem of overcrowding. New barracks are also coming up in the State Jail for Women in Rajahmundry, which is at present little more than a dungeon with damp floors and dark rooms. It is the same in Warangal Central Prison. The floors are damp and dark and workshops are without sufficient light and ventilation. In most of the District Jails, the buildings do not allow for suitable places for family visits with inmates. In most of the cases, meetings with family and friends have to be held along with dozens of other inmates in a small crowded

anteroom near the main gate. The anxious meetings (popularly known as mulakat) between inmates and their visitors take place in poorly ventilated and dark rooms and across a thickly meshed divide. Obviously this kind of arrangement doesn't allow sufficient time, privacy or dignity for inmates and their visitors to interact with each other. This situation is easily solved but is causing deep discontent among inmates and resulting difficulties for staff. Present renovations do not address this issue.

There seems to be no generally agreed policy on the design of living space within the prison. For instance in the recently built big prisons in Hyderabad and Visakapatnam, one has sleeping slabs but the other does not. Similarly a second floor has been built in Nellore Central Prison but not in others. The policy largely seems to depend on the senior officials who supervise the construction of the particular prison. Perhaps keeping this in view, a chapter on prison building is incorporated in the draft of the revised Prison Manual.

1.5 Undertrial prisoners

Undertrial prisoners constitute more than 65% of the total prison population in the state. Of a total average daily prison population of 14,000, around 9,500 are awaiting trial. About 900, or 7% have been waiting around for their trial to begin more than one year. Reasons for this situation include the following:

- ◆ **Lack of advocates.** 78 undertrials did not file bail applications because of a lack of advocates. Remarkably, in almost all these cases, the police had not bothered to file charge sheets. This is an indictment of the state of functioning of free legal aid in Andhra Pradesh. Illustratively, 93 undertrials were in prison for more than one year and 96 were in jail for more than 6 months in the jurisdiction of Hyderabad and Secunderabad⁷. The District Level Review Committee of Hyderabad⁸ points out that cases are pending because police failed to execute non-bailable warrants and have not filed charge sheets for years. They are advised to pay special attention to these issues.
- ◆ **Routine denial of bail.** Even where advocates are engaged, bail applications appear to be too

often or routinely rejected. 314 undertrials' applications had been rejected.

- ◆ **Inability to provide sureties.** 286 undertrials, who had bail orders in their favour, still languished in prisons because they could not produce the excessive surety amount fixed by the Court.
- ◆ **Pending charges.** Some detainees who were granted bail and provided surety remained in custody as a result of other pending charges. In those cases in which the prime accused are acquitted and other accused remained in custody for trial, it is sheer waste of the courts' time. Those cases can be disposed off without any further delay.
- ◆ **Overlap of cases.** When many cases are posted for trial at the same time, their completion is lengthy. During this period undertrials are not granted bail.
- ◆ **Want of official escorts and transportation.** It is very common for hearing dates to be missed or put off for later times when prisoners are not brought before the courts on the designated dates because no police escorts or transport is available. The District Level Review Committee of Mahaboobnagar⁹, pointed out that at the end of 2004 there were 13 accused who had been held in custody for more than 1 year. There were 32 accused who had been held for more than 6 months because of irregular production of prisoners due to lack of escort.

The causes mentioned above capture the typical instances of poor administration of justice. These administrative ills are easily curable with a minimal amount of steady attention to compliance with statutory law by prison officials, police, the legal aid authorities and judges. Otherwise these people directly account for overcrowding in prisons, the terrible conditions and risk to which prisoners and administration are exposed and the denial of fair trial rights of the accused.

1.6 Undertrial review committee

Ten years ago, the government constituted Undertrial Review Committees to assist the speedy disposal of long pending cases. The District and Sessions Judge in each district heads each Committee. The superintendent of police and superintendents of the

concerned prisons are members. The Committee meets each January, April, July and October and reviews long pending cases and takes remedial measures for their disposal. In 1998 the High Court directed the government to include the district Collectors and the Superintendent of the Excise Department to constitute a comprehensive body to take appropriate decisions easily. From that point the committee came to be known as the District Coordination Committee. The effective functioning of this Committee varies from district to district. In Mahaboobnagar, where meetings are held regularly, each and every case is thoroughly reviewed and suitable instructions given to all concerned police, judiciary and prison officials, there are significantly fewer long pending cases. By contrast, in districts like Hyderabad, where only a macro review of cases are undertaken and broad guidelines are repeatedly given to the officers concerned, hundreds of cases remain pending. There is need to review the functioning of these Committees and to further strengthen them to serve the originally intended purpose.

1.7 Women prisoners and women guards

All Andhra Pradesh prisons taken together can hold up to 1045 women prisoners. In 2005¹⁰, 320 female prisoners were held in prisons exclusively meant for women in Hyderabad and Rajahmundry, which were at capacity, but there were 780 female prisoners in detention. While the prison in Rajahmundry is not overcrowded, Hyderabad holds 50% more prisoners than its capacity. But over double that number, or a majority of 780, were still held in male dominant mixed Central Prisons, District Jails and sub-jails across the state.

The rules require women to be completely sequestered from male parts of the prison and out of sight of male prisoners. Nevertheless, because it can't be helped, in most prisons women prisoners must use the same main gate, used by all the men staff and prisoners for entry and exit. At the same time because of bad design and severe space limitations, women are routinely confined to minimal barracks that are little more than small enclosures carved out from the main usage originally meant for men.

Unwarranted confinement

In Chodavaram sub-jail¹¹, a woman undertrial prisoner lived in complete seclusion as all the prisoners and prison personnel were men. In other words, a citizen, not yet tried or found guilty by the courts, was in effective solitary confinement.

In some places toilet arrangements add unnecessary hardship. In some prisons, women are forced to use a small number of toilets with half open doors in these lock-ups meant for 5 to 10 male inmates. They are considered sufficient for men during night as during day time the men are expected to use day toilets outside the barracks. But women do not have access to day toilets and bathrooms. Therefore the one or two toilets originally meant for use during the night are expected to serve all the needs, including bathing needs, of women prisoners.

In the exclusively women's prisons, inmates and guards have free mobility. But in mixed facilities mobility is restricted by the original design as well as by the severe shortage of women guards and officers. Because women are expected to be completely segregated from contact and eyesight of men prisoners and staff, they are deprived of access to kitchen, hospital, library or garden. Since any activity requires additional guards, lack of female guards ensures that women are excluded from any kind of activity like cooking or gardening and any creative engagement. All this amounts to discriminatory deprivation from facilities and opportunities.

Release from Nalgonda

Each day women prisoners granted bail or acquitted are released into the world. The release procedure begins around 5 in the afternoon. When CHRI went to Nalgonda prison, around 10 or 12 women were gathered before the Prison Superintendent's door, waiting to be processed. Each was separately called in to the room in which 3 or 4 male officers were sitting. A male attendant perhaps a convict warder - read out the details of the woman's case and asked each in her turn to verify her identity by showing her personal identity marks. The jailor went on ticking off the details in a large register while the women whispered her personal and case details slowly and hesitantly and then with extreme embarrassment showed the physical identification marks around her body to the room at large. From time to time the men

verifying the procedure would smile. Sometimes a member of the group would give the woman a short lecture on morals, which she patiently heard out, head down, and eyes with the floor. This embarrassing drama was repeated till 8 at night when each of the women had finally passed through the panel and every ledger and official signature was complete. The women were then escorted to the gate in a group. There the gatekeeper once again made them wait, while he re-checked and entered their details. At last, after 9 pm, they were let out. Some women found relatives and friends waiting. Others who had no one to fetch them away stood outside the gates bewildered and purposeless with nowhere to go and no one to help them at that late hour.

The issue of female incarceration is going to become more acute in the years to come. An examination of trends over the past 5 years suggests a steady upward graph in women prisoners. The female population has increased from 15,376 in 1999 to 19,362 in 2004, which accounts for a 25% increase or 5% each year. The increase in the male prison population is half that, at 2.7% a year (147,587 in 1999 to 151,663 in 2004). As there are no explicit policy pronouncements to address the sub-human living conditions that women prisoners experience, the increasing number of women prisoners is going to pose serious challenges to the government in the years to come.

1.8 The problem of escort

A primary reason for overcrowding and the unconscionably long time undertrial prisoners must spend in custody is attributable to the state's inability to bring them to court on the appointed day of trial. This may seem an absurd reason to rob persons of their freedom but it is accepted practice that several dates, weeks and months routinely go by without a detainee being afforded an effective hearing. Effective hearing may be denied because the case does not come up in the crowded court docket, or

because one or other lawyer, witness or formal ingredient is not there or at the ready, but the absence of the accused because no escort is available to accompany the prisoner from jail to the courtroom is the major reason trials are delayed. The government claims that 85% of detainees are produced for trial. But this is only an average. In 2 instances the production rate is exceptionally low women and sub-jail inmates.

1. The primary responsibility to provide escort guards to prisoners back and forth from court lies with police department. There are two women's prisons in Hyderabad and Rajahmundry, which accommodate most of the women undertrial prisoners drawn from all over the state. The police of these two towns are to provide large number of female escorts and produce prisoners in the courts situated outside those districts, but they do not have any additional female officers to assist with this process. This creates long delays in the disposal of cases of women prisoners. The shortage of female police escorts also exists in other districts where women are confined. Similarly, when women convicts and undertrial prisoners are to be sent to specialist hospitals in cities especially in Hyderabad and Tirupathi, prisons face the problem of female escorts. This is true to a lesser extent of course even of sick mail prisoners.

2. The other instance is production of undertrials from sub-jails, which is a serious problem. These problems show up more in the sub-jails of Rayalaseema region, Khammam, Srikakulam and Prakasam districts.

Since the shortage of police escorts is a problem that exists all over Andhra Pradesh, the government constituted a High Level Committee¹² to monitor the production of remand prisoners in the concerned courts every month. This Committee meets every month and is headed by Additional Director General of Police (Law and Order) and the Inspector General of Prisons and other concerned officers are members. It is the first Committee of its kind in the country.

Transferring undertrial prisoners to the jail, which is nearest to the courts in which cases are pending and proper coordination between police and prison departments can be an immediate solution for this problem in the short run. But improving the strength of the reserve police force, and permanently stationing some reserve force with all the Central Prisons like in Hyderabad is a long-term solution for

1.9 Prison staff

The prison department is chronically understaffed. 2002 figures record that overall shortages ran at around 12%. By September 2005 vacancies, for wardens, matrons and staff that deal directly with prisoners had grown further. At supervision level the system was short of up to 45 deputy jailors and 6 deputy superintendents. As with the figures for overcrowding, staff shortages are much more acute in smaller and more remote jails. Illustratively, 37% of all posts in Adilabad District Jail have remained unfilled for years. In Warangal Central Prison, Nizamabad District Jail and Rajahmundry Jail for Women shortages run at an average of 20% of the sanctioned strength. In Anantapur and Mahaboobnagar District Jails and the prisoners' agricultural colony up to 17% of staff positions are vacant. Ironically the agricultural colony had neither an agricultural officer nor agricultural extension officer, posts vital to the success of the experiment in open prisons.

Persistent staff shortages naturally mean absurd and unsustainably long working hours and stress for junior level personnel as well as poor supervision and low accountability. Vocational and recreational activities require some level of freedom and mobility within the prison but staff shortages mean that little or no reformative activities can be undertaken. In deference to overarching security concerns, prisoners' activities are limited. Already regimented prison life is further restricted to only a very few hours of movement in already cramped environments. It is therefore not surprising that Anantapur District Jail has a 24 hour lock up system and in the Mahaboobnagar, Nalgonda, and Adilabad jails lock up begins at noon and continues until the next morning. This is unacceptable treatment for long or short term inmates and contrary to all civilised norms.

In addition to making the junior staff work for long hours there are other ways by which the problem of staff shortage is handled. The shortage of personnel is not generally viewed as a serious problem under three kinds of circumstances. One is that in which prisoners are highly reliable and they will not escape from custody when there is no human supervision. Perhaps the Prisoners Agriculture Colony of Anantapur comes under this category of prison where shortage of personnel may not have serious implications. Second is the circumstance, in which human supervision over inmates is substituted with

high level of regimentation, as the order of the day. Whether the staff is adequate or not, the general atmosphere of regimentation achieves order in the prison. Central Prison of Warangal appears to fall under this category. The third level is one in which

Unlike states like Karnataka, Maharashtra, Tamilnadu, West Bengal and Orissa, the Andhra Pradesh government has made no provision for psychologists, psychiatrists or social workers to work in the prison system, except those exclusively sanctioned within the recent Partnership Sexual Health Project. Bihar by contrast, at 53 social workers, has the largest number of social workers in the country.

inmates will not have any reformatory activity except waiting for release inside the grated doors. Vocational and recreational activity among the inmates requires some level of freedom and mobility within the prison. Most of the district prisons come under this category, as they do not provide any work except cooking and cleaning. Thus the shortage of staff has implications for both staff and inmates. The quantity and quality of prison staff has a close linkage with the overall objective of prison management.

1.10 Problems related to junior staff

The overwhelming percentage of prison staff are warders and head warders. Though they form the rump of prison administration their lot is by no means a happy one. There is the usual acute staff shortage that is endemic to this neglected end of the criminal justice administration. Vacancies of guarding staff mean that warders must double up and are constantly doing overtime which frequently stretches to 14 hours a day. This overtime duty is never compensated either in terms of leave or monetary benefit.

1. Junior staff complain that there are lots of vacancies among their cadre, which are rarely filled by the government. As a result, the existing guarding staff are engaged in overtime duties, which stretch most of the time up to 12 to 14 hours a day.
2. Though legally 'orderly duties' are done away

with, 10 to 15% of the junior staff are engaged in 'general duties'. For instance, 36 out of 180 guarding staff in Central Prison of Kadapa were on orderly duties, marketing and other errands. They are generally engaged in errands¹³ such as escorting officials' children to schools, going to market, washing and cleaning at the homes of Prison Superintendents. This is illegal and creates discontentment among the staff as it not only engages them in menial jobs but also further reduces the available staff for guarding duties in the prisons, thus resulting in overtime obligations.

3. Since the job of warders in the prisons is one of the toughest and important jobs in the prisons, the junior staff argues that there should be 4 shifts each day, instead of 3 shifts as exists at present. They also argue that odd hours of duties and professional stress on them result in a heavy toll on staff lives before retirement.
4. Warder staff do not have basic amenities such as toilet facilities, or shelter from sun heat, cold and rain inside the prisons. This poses serious problems to warders engaged on night duties. They also complain that in many prisons they do not have rest rooms.
5. The junior staff who perform not only guarding duty, but also welfare duties, compare their service conditions with that of their counterparts in the police department and feel deeply dissatisfied. For instance the basic pay of a police constable starts at Rs. 2,990, whereas the pay of prison guards starts at Rs. 2,870. They want this anomaly to be done away with. The police constables are entitled for 60 earned days of leaves, whereas guarding staff is given only 30 days.
6. They also complain of having little or no career opportunities. So there is no incentive for performing well.
7. Police constables are transferred at the district level, whereas prison guards are transferred at the state level. As a result, children of the guards are foregoing privileges in education and employment, as they become non-local category to all the districts and zones in the state.
8. Sub-jails are guarded by both prison and police

personnel. There is often very little coordination between the two groups and this leads to a great deal of tension.

9. Jailors and deputy jailors, who are the operational managers of prisons, feel marginalised when the prison department formulates new policies.
10. The lack of performance incentives and general lowly treatment meted out to prison personnel demotivates staff and is an area for both senior leadership and administration to address.

1.11 Prison welfare officers

From the point of view of prisoners, prison welfare officers are the key staff in the prison system. According to the present Prison Manual¹⁴, welfare officers are required to act as secretaries of the Welfare Programme Board and must deal with adjustment and rehabilitation problems of inmates, while acting as mediators between the authorities and inmates inside and outside the prison. On the whole the official is responsible for the entire welfare of the prisoners. The Mulla Committee Report recommended a minimum of 1 welfare officer for every 200 prisoners.

Until a decade ago, there was a Chief Welfare Officer within the headquarters, who was an inspection officer to all prisons. There were 2 welfare officers in each Central Prison. The position of welfare officer was a non-uniformed service. Though it was converted into a uniformed service briefly, again it was restored into a non-uniform service. The government felt that a welfare officer does not need to be in a Khaki uniform.

However a decade ago, the government created a uniformed post of Assistant Inspector General of Prisons dispensing with the post of Chief Welfare Officer (CWO). Since the AIG post was also removed later, the position charged with the overall supervision of prison welfare disappeared once and for all. This was perhaps the beginning of end of importance of the welfare staff. The positions of welfare officers at prisons level also met with the similar kind of fate. These posts were gradually converted into post of jailors, a uniformed service and of the two jailors in each Central Prison one is known as Jailor (Welfare), who is in charge of welfare of prisoners. Quite obviously these persons do not have the avocation or specialisation for welfare work

and because they belong to the mainstream prison administration are more concerned with issues of security than inmates welfare. It is also difficult for the inmates to approach the uniformed jailors for their needs. These reforms indicate that the government has moved significantly to turn limited resources to bolster security needs and in the process disadvantaged prisoner welfare and has weakened rehabilitation. Neglecting the welfare of the prison population, which is overwhelmingly awaiting trial, appears particularly unfair and heartless. If prisons are to be looked upon as places of correction and rehabilitation with a remote chance of inmates reintegrating as useful members of society then the government must pay urgent attention to reviewing and revitalising the welfare officer system and put in place properly qualified welfare officers who can create an atmosphere of hope and possibility in prison. There is a great urgency to reverse the current process and reinstate the positions of welfare officers in the department.

1.12 Health care in the prisons

Double handicap

“Society has an obligation towards prisoners' health for two reasons. First, the prisoners do not enjoy the access to medical expertise that free citizens have. Their incarceration places limitations on such access; no physician of choice, no second opinions, and few if any specialists. Secondly, because of the conditions of their incarceration, inmates are exposed to more health hazards than free citizens. Prisoners therefore, suffer from a double handicap.”

*The Supreme Court of India*¹⁵

There has been an increasing trend in the number of deaths in the prisons of the state. This should be a serious cause for concern since majority of the confined are adults and able-bodied persons. 89% of prisoners fall in the age group of 21 to 65 years.¹⁶ There is need for research into this issue. The prison medical service is under dual control of the Prisons Department as well as the Directorate of Medical and Health Services. Government budgets for medical care in prison systems are inadequate. Generally, one deputy civil surgeon, assistant civil surgeon and one pathologist are appointed to each Central Prison and one assistant civil surgeon for

each District Jail is appointed on deputation from the Directorate. This policy more than satisfies the Prison Rules¹⁷, but is still inadequate to address the primary medical needs of prisoners and staff. The prison department does not have the power to recruit medical officers based on its own assessment of needs and health conditions. Neither has the Directorate evolved a specialist branch to suit the health requirements of the prison system. There are no specific policy guidelines on the appointments of medical personnel, tailored to address the needs of the prison population.

Health care and medical facilities are a major problem in prisons. Common ailments include acidity, constipation and anemia from the

monotonous food; diarrhea, skin diseases, respiratory infections including tuberculosis, sexually transmitted diseases including HIV/AIDS, diabetes and depression.

At the time of first arrival each inmate undergoes a medical examination¹⁸. In 1999, the National Human Rights Commission directed all governments to examine new entrants according to a health screening proforma it developed. Nearly six years later no proforma has been sent down to the jails and screening according to Commission guidelines of newly admitted prisoners is yet to begin. Given the paucity of staff, doctors and supervision, it is unlikely the screening process will ever be effectively implemented.

Proforma for health screening of prisoners on admission to jail

Case No:..... Age :.....
 Name :..... Sex :.....
 Father's/Husband's Name:..... Occupation :.....
 Date & Time of admission in the prison:..... Thumb Impression :.....
 Identification marks:.....

Previous History of illness:

Are you suffering from any disease? Yes/No :.....
 If so, the name of the disease:.....
 Are you now taking medicines for the same?.....
 Are you suffering from cough that has lasted for 3 weeks or more Yes/No :.....
 History of drug abuse, if any:.....
 Any information the prisoner may volunteer:.....
 Physical examination:.....
 Height (cms)..... Wweight (kg).....

Last menstruation period

1. Paller : YES/NO 2. Lymph Node enlargement: YES/NO 3. Clubbing: YES/NO
 4. Cyanosis: YES/NO 5. Icterus: YES/NO 6. Injury, if any:.....
 7. Blood test for Hepatitis/STD including HIV, (with the informed consent of the prisoner whenever required by law)

5. Any other Systemic Examination:.....

1. Nervous System:..... 2. Cardio Vascular System:.....
 3. Respiratory System:..... 4. Eye, ENT :.....
 5. Gastro Intestinal system abdomen:..... 6. Teeth & Gum:.....
 7. Urinal System:.....

The medical examination and investigations were conducted with the consent of the prisoner after explaining to him or her that it was necessary for diagnosis and treatment of the disease from which he/she may be suffering.

Date of commencement of medical investigation:.....
 Date of completion of medical investigation :.....

Sg/-
 Medical officer

Prison regulations state that in all prisons where there is more than one medical officer, one of the officers is required to be present on the premises and available for emergencies. In jails where there is only one assistant surgeon, he or she is required to remain inside the jail throughout the day and visit the jail hospital occasionally at nights¹⁹. This is an unreasonable expectation, and made even more unreasonable by the lack of accommodation close to the prison available or provided to medical staff. Only the Central Prisons of Cherlapally and Visakapatnam, built recently according to modern standards, provide quarters for doctors. But even here medical officers do not actually stay in them. Without insistence on this, the purpose of having a resident medical officer is substantially defeated.

On average, there are between 50 to 70 women on any given day of the year in the Central Prisons of Warangal and Visakapatnam. Despite this the government has never sanctioned a female doctor for these facilities. Instead, female doctors from the district health centres visit once every 15 days. This is not adequate medical attention by any standards.

The medical officers posted in the state jails for women at Hyderabad and Rajahmundry do not have gynecological training. As a result an important health aspect of women in custody is insufficiently addressed.

The state of health care in District Jails is even more precarious. Even where sanctioned posts exist doctors are hard to come by. Prison medical services are not the preferred career option²⁰ for most well qualified doctors let alone specialists. Prison medical service has not been developed in the medical college curriculums as a dedicated branch of study. For the past 5 years, 5 out of 9 District Jails - at Nizamabad, Vijayawada, Guntur, Karimnagar and Sangareddy - have been forced to hire the services of assistant civil surgeons on an annual contract basis. Some of these medical officers travel from adjacent big cities to the prisons. For instance the medical officer appointed to the District Jail of Sangareddy commutes from Hyderabad everyday. Prisoners complain their services are not available even in daytime during holiday periods.

Ill tidings²¹

- None of the state jails for women that exclusively have female detainees have gynecologists available to prisoners on a permanent basis.
- None of the Central Prisons or District Jails, let alone the sub-jails, which also accommodate women prisoners, have a female doctor on staff, let alone a gynecologist.
- The government has not even sanctioned a post of medical officer at all to the District Jails of Nalgonda and Mahaboobnagar.
- In Asifabad District Jail, a doctor's post has been open since 2001, but has never been filled.
- The open agriculture prison colonies in Hyderabad and Anantapur have no medical staff and instead must rely on the services of medical officers from adjacent prisons (Cherlapally Central Prison in Hyderabad and Anantapur District Jail).
- In Guntur, Vijayawada, Sangareddy, Karimnagar, and Nizamabad District Jails doctors are hired on a year-long contract.
- Visits by doctors engaged on a contract basis in District jails and part-time doctors in sub-jails are irregular and infrequent and there is little accountability²².
- In those prisons where either medical officer posts are not in place or vacancies are not filled, the services of doctors visiting for the Partnership Sexual Health project are being used, but this arrangement is recent and cannot substitute for regular and timely medical care provided by permanent or resident doctors.
- The process of releasing prisoners suffering from terminal diseases is unreasonably time consuming. Illustratively, two detainees, suffering from cancer and HIV/AIDS at the state jail for women in Rajahmundry, were not released even one year after diagnosis.
- The Director of Medical and Health Services, who determines health policy in prisons, has not visited a single prison in the past two years.

1.13 Transportation and escorts

Since the prison medical system can at best only treat common ailments, ailing prisoners must be sent off to local government hospitals for diagnosis and treatment and in emergencies. All the central and district prisons have only multi-purpose vehicles, which are also used as 'ambulances', but they are more like goods carriages than ambulances. There are no special drivers particularly meant for driving ambulances; generally warders are trained to provide that service in emergencies.

The shortage of security staff to escort sick inmates for outside treatment or admission into hospital is universal and exacerbates the risk to prisoners. The prison administration is unable to meet demand for transport to court attendances; the majority of medical escorts are provided on Saturdays when there is less pressure from judicial escort duties. It is only in the Central Prisons of Hyderabad and

Charlapally that contingents of 45 and 30 policemen respectively are stationed under the control of Prison Superintendents exclusively to meet the prison's escort needs. The Rajahmundry Central Prison meets its needs from a mobile reserve police force stationed in Rajahmundry.

Prison staff are often caught between waiting endlessly for escorts or taking it upon themselves to bring the prisoner to hospital. Faced with the need to get an ill prisoner to a medical facility quickly there are many instances of staff acting humanely and carrying prisoners off to hospital on their own. Nevertheless, their action is risky. If the prisoner dies staff can be accused of death in custody due to negligence. If he or she escapes along the route or from hospital, staffs are exposed to allegations of connivance in facilitating escape. Either way they risk accusations of negligence and being punished for taking unauthorised action and are therefore often hesitant to take the initiative either way.

Emergency aid - quick or dead?

Prisoners are routinely locked away in their barracks at night. There is a prisoner in charge of night duty, a warder who comes by to check the locked barrack once each half hour or so and a night paramedic may be available. When an inmate is suddenly taken ill or is in acute pain he or she can at best inform his or her neighbours. They will inform the prisoner on night duty. He or she in turn will inform the warder when he or she comes by on his or her rounds. The warder will inform the paramedic who will rouse a deputy jailor and together they will open the barrack to investigate. But, to safeguard against untoward incidents, the barracks will only be opened if there is sufficient back up guards. Only then will the resident medical officer be called to attend on the patient if such a doctor is available. If the doctor recommends emergency treatment outside prison, all security measures will be strictly followed while unlocking and locking the barracks and the inner and outer prison gates. At the very minimum the process from complaint to release takes from one to two hours. Relief may still be some miles and some hours away. Violent protest by prisoners at the delay inherent in these procedures when a fellow inmate is taken ill are not uncommon and senior officers agree in private that deaths, especially from cardiac incidents, as recently as 2005, could have been avoided if dealt with speedily.

1.14 Mentally ill prisoners

Since the Mental Health Act 1993 was passed, mentally ill non-criminal detainees are not kept in prisons, but are committed to mental health facilities. However undertrial prisoners and convicts suffering from mental disorders are found in state prisons.

Worldwide, 450 million people suffer some kind of mental illness²³, while depression, anxiety and other mental disorders affect about one quarter of all patients in primary care settings. In India there are an estimated 4 million people with schizophrenia alone,

with different degrees of impact on 25 million family members. However there is only 1 psychiatric bed for every 40,000 people and 0.4 psychiatrists for 100,000 people. The primary reason for this state of affairs is spending just 0.83% of the total health budget on mental health²⁴.

Prisoners are more vulnerable to mental illness in the regime of control, overcrowding, enforced solitude, lack of privacy, lack of meaningful activity, insecurity about future prospects and inadequate health services prevalent in prisons. Research on prisoners uniformly indicates that the stress of incarceration

increases the incidence of mental illness. One study in the United Kingdom found that 1% of men and a negligible percentage of women among the free population suffer from some form of mental illness, whereas in prisons 44% of men and 62% of women suffer from mental illness²⁵. The Andhra Pradesh government does not at present collect systematic data on the incidence and treatment of mental illness amongst prisoners, but there is little reason to believe that these trends are not replicated. In the absence of special training of regular staff, marginal medical systems, and no visiting specialists, it is only the violent, noisy or obviously ill mental patient who can hope for attention. Others with no less distressing but less obvious or visible conditions must live through incarceration without hope of any medical care.

During visits from February to July 2005, 82 cases of mentally ill persons were brought to CHRI's notice: 10 from the Kadapa Central Prison, one from the State Jail for Women, 10 from the District Jail of Karimnagar, 15 from the Central Prison of Visakapatnam, 41 from the Central Prison of Warangal and 4 from the District Jail of Nizamabad. Some prisoners were psychotics, with others suffering from acute schizophrenia and delusion. All of them are periodically sent for treatment to Erragadda Mental Hospital, King George Hospital of Visakapatnam or Mahatma Gandhi Memorial Hospital in Warangal, but most of them were returned to prisons with medical prescriptions. Once back and under little supervision they cannot regulate their own medication and commonly lapse into previous states of illness.

Sick systems

Andhra Pradesh has no sanctioned posts for prison social workers and no posts for psychiatrists or clinical psychologists. As on July 2005 all the posts of specialist in mental illness in the Warangal hospital were vacant as were 16 out of 20 psychiatrists posts in King George's, Visakapatnam.

Way back in 1982, the government put in place 4 psychiatrists' posts. But the qualification required experts with MBBS and a post-graduation in psychology. The combination is hard to come by in

the present education structure so for 18 years the posts lay empty. Finally in 2000 the posts themselves were scrapped. Practical logic suggests that the qualifications for appointment be reviewed and modified to ease the situation of complete absence of any assistance for mentally challenged prisoners, but this is yet to happen.

1.15 Legal aid, video conferencing and Lok Adalats

Effective free legal aid, Jail Adalats and video conferencing can go a long way to reducing overcrowding and delays at law. Indeed that is why these services and experiments have been introduced. However, problems were associated with all three, which greatly reduced their potential.

Legal aid. Prison officials universally assured CHRI that no prisoner in custody went without legal aid or sarkari vakeel. Nevertheless, in every prison CHRI found a considerable number of undertrial prisoners in custody for months for want of benefit from having assigned counsel, bail or effective hearings through which the case could progress. Many did not know if counsel had been appointed. Others did not know who their counsel was. Many believed that appointed counsel was not obliged to brief them, be present at court appearances, visit them or take instruction, or keep them or their relations informed about case progress because they were not being paid. All this is particularly true of first time offenders and also of the majority poor who often cannot read or write or are only literate in Telugu. It appears that there is a disjuncture between the provision of statutory legal aid sought through the prison authorities and communication with the prisoner client. Only some jails had legal aid request forms available. These were in English and made little sense to most. Jail authorities do routinely pass on requests for legal aid or inform magistrates that there is an indigent prisoner who needs it. Magistrates respond by appointing standing counsel and inform the lawyer. Here the information loop closes. Often, the information that a particular person has been appointed to defend the interests of a particular prisoner is not given to that prisoner. The information is in English and is lost on the client. The recent guidelines issued by Andhra Pradesh State Legal Services Authority to display information of legal aid counsels at the court in Telugu go some way to meeting communication needs. In light of the requirements of the new Right to Information Act

2005 the legal aid authority will also need to ensure more information is available to its client group.

Legal aid counsel rarely visit the prisoner and may not meet the client at court. There is little briefing or first hand gathering of information about the case. Prisoners don't know their rights as clients and there is no one to brief them. The result of such formalised but insubstantial legal assistance is that it does little to shorten the process or to make the best use of bail, probation and parole facilities available at law.

Video conferencing. Video conferencing was introduced in response to the shortage of escorts and the difficulties involved with getting detainees to court. In keeping with standard practice the prisoner in remand must appear before the judge every two weeks. In theory the case must move forward at each hearing. But the court's workload means that on any given day there are only a few effective hearings and the rest of the prisoners brought to court return to their cells after their remands have been routinely extended for two weeks. This may repeat itself for years. Video conferencing was meant to reduce the to-ing and fro-ing from court. Rather the judge is linked to the jail by video. The remanded prisoner appears before him or her and the matter can continue. Many prisoners expressed their willingness to admit guilt before the Magistrates in the video conferences if it would allow them to quit the jail early. But they feel denied the opportunity as video conferencing is now used near exclusively for extending dates. Appearances sometimes take just a few seconds. Legal defence seems to be dispensed with completely. CHRI did not come across a single instance where legal aid counsels were present in video conference rooms either to oppose remand applications, let alone argue for bail when remand prisoners were brought before the camera. Judges did not inquire about the absence of counsel nor seek to know the condition of the prisoner. The

Andhra Pradesh Legal Services Authority appears to have sensed some of the dangers in this routinised form of hearing and have issued guidelines that require counsel to be present at court every time there is a bail hearing.

Jail Adalats. At any given moment there are hundreds of first time offenders and petty criminals in jails²⁷. In all petty cases in which charge-sheets are filed and the accused has already spent 6 months or more in custody, but trial is pending for 1 year or more, the detainee can be released on bail with or without sureties or on personal bond²⁸. If the detainee pleads guilty, his or her stay during trial can be set off against his or her sentence and he or she can be released²⁹. Jail Adalats are meant to use these procedures within prison premises to quickly deal with detainees accused of petty crimes. The concept of Jail Adalats has great potential to reduce overcrowding in prisons. It can also considerably relieve the judiciary of their workload and give relief to a large number of accused, who do not have the means to get bail easily.

Despite their demonstrable success very few Adalats are in fact held. Except in Hyderabad, Chief Judicial Magistrates and Chief Metropolitan Magistrates had not held Jail Adalats in any districts until July 2005.

These are only some of the aspects of prisons that came to CHRI's notice during our study. There can be many more such issues, which require urgent attention of government, judiciary, the Directorate of Medical and Health Services, the Legal Services Authority and the State Human Rights Commissions. All the official and civilian visitors to prisons are expected to contribute towards redressal of these issues within their jurisdiction. CHRI feel it is its duty to place all the above issues before the government and public at large and work for their redressal.

Jail Adalats in Karimnagar District Jail - genuine fast tracking

The Jail Adalat in Karimnagar District Jail was organised for the first time on 1 November 2003. The result was as follows:

Total number of prisoners confessed	48
Total number of cases heard on that day	102
Total number of convicted in 79 cases	31
Total number of releases on 2-11-2003	08
And the rest were released in one week	23
Total number of prisoners given legal advice	25

The next Jail Adalat was organised only on 2 July 2005. And another one on 28 August 2005. In these two sessions, 59 cases were finalized and released within a month's time.

Chapter 2

Legal provisions for prison visitors

Prisons in Andhra Pradesh are regulated under the century old Prisons Act 1894. Though many amendments have been made, the fundamentals of the Act have not changed. The provisions are designed to ensure the security and discipline of a penal institution and have nothing in them that indicates an understanding of, or commitment to, contemporary penal philosophy. For instance the Prisons Act fails to define the purpose of imprisonment and the system is arranged on the assumption that its only purpose is to remove wrongdoers from society. Ironically however, most people in prison in Andhra Pradesh today, and indeed most people in custody across India, are persons awaiting trial and are at law innocent until proven guilty. Even convicted prisoners are mostly first time offenders; only 5.6% are recidivists or hardened criminals. Nevertheless, there is provision for a limited amount of civilian oversight as well as community involvement for the welfare of prisoners. Section 59(2) of the Act provides for the framing of rules for “appointment and guidance of visitors of prisons”. The Indian Jails Committee, a government committee that sat between 1919 and 1920 to look into the state of prisons in India, conceived of prison visiting system and visiting was subsequently incorporated into the Act and Prison Manuals. Addressing the need for external supervision of prisons the Indian Jails Committee wrote:

The plan of appointing persons, official and non-official, to serve as visitors to jails seems to us to form a very valuable part of the Indian system of jail administration. In the first place, it insures the existence of a body of free and unbiased observers, whose visits serve as a guarantee to the government and to the public, that the rules of the Prisons Act and Prison Manuals are duly observed, and that abuses, if they were to spring up, would be speedily brought to light. In this respect the Indian system is, we think, superior to that followed in other countries where the visitors become a part of the prison organization, with definite powers and duties, and so become more or less identified with the prison administration. In India, they remain impartial and independent. In the second place, the existence of non-official visitors is specially valuable as supplying a training ground where members of the public can obtain an insight into jail problems and learn to take an interest in prisons

and prisoners. It is of great importance to create such an interest in the public mind and the appointment of non-officials is one of the best methods of promoting this end. Although, therefore, some of our witnesses have criticized the system, we think it has only to be extended and improved in order to be productive of even greater advantages in the future than in the past.

-Report of the Indian Jails Committee, 1919-20 para 511

Section 59(25) of the Act is current basic law for the management of prisons in the country and provides for the framing of rules for “the appointment and guidance of visitors of prisons”. It was the Indian Jail Committee that laid down the guidelines for the appointment of prison visitors, stating that -

The person selected for the position of a non-official visitor of a jail should be chosen on the ground of definite qualifications, such as an interest in prison matters or other social work, or ability and willingness to assist in finding work for prisoners on release. Selection should not be made solely on the ground of social position, wealth or political influence, but on the basis of special fitness.³⁰

Only a few states incorporated these guidelines as legal provisions for the appointment of non-official visitors. However, at present Chapter IV of the Andhra Pradesh Prison Rules 1979 and Chapter 45 of the draft of the new Prison Manual both mention the basic source of law which authorises the government to make rules for prison visitors.

2.1 Official visitors to prisons

In addition to non-official visitors, the Prison Manual also provides for official visitors to prisons. Rule 26 authorises the following officials as ex-officio visitors to jails within their respective jurisdictions. Their inspections extend to listed matters noted.

One key official visitor, whose name is not included in the list, is the District Collector/Magistrate,³¹ although he or she is expected to head the Board of Visitors meetings.

<ol style="list-style-type: none"> 1. Sessions Judges, Additional Session Judges, Chief Metropolitan Magistrate, Hyderabad and District Collectors 2. Director of Medical and Health Service 3. District Educational Officer 4. Director of Industries 5. Chief Inspector of Factories 6. Senior Fire Officer of the town in which prison is situated 	<ol style="list-style-type: none"> 1. All matters relating to general administration and management of jails 2. All matters relating to health, medical, water supply, administration, sanitation and diet 3. Convict schools 4. All matters relating to industries 5. Factories in jails 6. All aspects which come under his ordinary official duties
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The draft of the revised Manual makes suitable changes in the list of official visitors. In place of the Director of Medical and Health Services, the name of District Medical and Health Officer is proposed. To this list, the Chairperson of District Legal Aid Committee, Executive Engineer in-charge of prison buildings and Joint Director of Agriculture and Horticulture have been added.

visits to prisons and that visits must be at least weekly. This means the Collector has to prepare a roster for all the visitors including ex-officio visitors, ex-officio non-official visitors and non-official visitors.

A visitor can visit the jail on any day, other than one fixed by Chairperson of the board, provided that it is

2.2 Ex-officio non-official visitors to prisons

<ol style="list-style-type: none"> 1. Member of the Legislative Assembly. 2. Members of Legislative Councils elected by Members of the Legislative Assembly under section 171(3)(d) and those nominated by the Governor under section 171(3)(e) of the Constitution of India. 	<ol style="list-style-type: none"> 1. In their respective constituencies 2. To all jails in whole of the state
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The draft Manual proposes to include members of both houses of parliament in whose constituency the prison is located as ex-officio non-official visitors. However, it omits Members of Legislative Councils and those nominated by the Governor as visitors. It also explicitly deletes the ex-officio non-official visitors³² from Board of Visitors, which needs to be amended.

The Prison Rules fail to detail the number of visits to be made by visitors, but it can be deduced from rule 28 (1) of the Manual, which says that the District Collector has to prepare a roster to facilitate weekly

Number of visits to prisons

District Collectors can prepare two kinds of weekly rosters: one for non-official visitors and the other for ex-officio visitors. Since nine ex-officio visitors are to visit the prisons located in district headquarters, each of them has to visit once every two months. They have to make at least six visits in a year. Before the Board of Visitors is called each quarter every visitor should make at least one visit to the prison. But the maximum number of visits they have to make in a year depends on the number of sub-jails in a particular district.

Each one of the six non-official visitors to Central Prisons will get their turn once in one and half months. They should make at least two visits before Board of Visitors meets.

In case of District Jails, to which four non-official visitors are appointed, each one of them gets their visit once in a month. They should visit twelve times in a year.

In case of sub-jails, the two visitors are expected to visit every alternative week.

a working day and the visit is held during usual hours. There is no upper limit to the number and duration of visits that a visitor can make.

2.3 Non-official visitors

The Prison Rules stipulate³³ that the state government may appoint non-official visitors and it can fix their number at such figure as it thinks fit in respect of any jail. However, rule 27(2) specifies that six non-official visitors can be appointed to each Central Prison and three each to District Jails. There should also be two female non-official visitors for each Central Prison, one for each District Jail in which female prisoners are confined and five female non-official visitors for each state jail for women. The rules do not specifically provide for appointment of non-official visitors to sub-jails.

Non-official visitors to the Central and District Jails will be appointed by the government on the recommendation of the Inspector General of Prisons, who proposes the names in consultation with Collectors of the concerned districts. Such appointment is to be notified in the government gazette³⁴. They are appointed for a period of two years and they are eligible for reappointment on the expiry of each term of office³⁵. They are not entitled to any daily or conveyance allowance in respect of their visits to jails³⁶. Government also has the power to appoint, re-appoint or revive the appointment at any time of any person, official or non-official as a visitor of any jail. Any non-official visitor who fails to visit for a period of two months can be removed from the list of visitors. At present the Prison Rules do not specify any qualification for the appointment of non-official visitors. From the rules it can be inferred that the only qualification appears to be that the visitor should be able to make his or her remarks in the Visitors Book in his or her own handwriting³⁷.

2.4 Board of Visitors

The Prison Rules also provide for the constitution and functions of a Board of Visitors³⁸. The official, non-official and ex-officio non-official visitors of each jail constitute a Board of Visitors, of which the District Collector shall be the ex-officio Chairperson³⁹.

2.5 Functions of the Board of Visitors

1. Quarterly meetings.
2. To inspect jail(s), once each quarter on dates to be fixed by the Chairman of the Board.
3. Weekly visits to the concerned jail by official, non-official and ex-officio visitors.

4. The Board is to meet at the jail, talk to prisoners, hear any complaints and petitions that may be presented and satisfy themselves that the food is of good quality and properly cooked⁴⁰.
5. The Board of Visitors should visit the female yard of the jail collectively⁴¹.

2.6 Duties of visitors

The Prison Manual states that:

- It is the duty of a visitor to satisfy him or herself about the living conditions of the prisoners. He or she may ensure that the food and clothing supplied to prisoners are in accordance with the requirements⁴².
- He or she should hear any complaints and petitions that are given, satisfy him or herself that the prisoners' food is of good quality and properly cooked.
- All the visitors should, after they have completed their visit to the jail, record in the Visitor's Book the date and hour of their visit and enter any remarks or suggestions⁴³. Entries in the visitors' book should be made in the visitors' own handwriting.

Questions arising out of the above functions follow.

1. Buildings: Are the buildings secure and in good repair?
2. Overcrowding: Is there any overcrowding? If so, where are the excess prisoners accommodated and are steps being taken to relieve it?
3. Conservancy: Is special attention paid to conservancy?
4. Drainage: Is the drainage of the jail in satisfactory state? If not what are the defects?
5. Water supply: Is the water supply sufficient and good and the means of carriage suitable?
6. Food: Are the articles of food in the storerooms and elsewhere properly kept and in good condition?
7. Food: Is the food issued correct in quantity and properly cooked?
8. Clothes: Are the prisoners provided with proper clothing?
9. Bathing: Are the prisoners required to bathe regularly?
10. Work: Are full tasks exacted from all labouring prisoners fit for labour? Who checks the work done in the evening? Is the output of each convict properly recorded on the work tickets?

11. Work: Are there any convicts who are not receiving remissions for industry through failure to perform tasks? If so, have efforts been made to enforce work by means of punishment?
12. Separation: Are habitual offenders separated from others at night and is their separation from others by day carried out as far as possible?
13. Undertrials: Are there any undertrials who have been unduly detained in jail?
14. Mental illness: Are there any mentally ill inmates who have been unduly detained in jail?
15. Females: Are female prisoners thoroughly screened from the view of male prisoners?
16. Juveniles: Are juvenile prisoners under the age of 18 separated, both by day and night, from adults and are those juveniles who have arrived at the age of puberty separated from those who have not, as required by section 27(2) of the Prisons Act, 1894?
17. Juveniles: Do juvenile prisoners receive instructions?
18. Adolescents: are the adolescent prisoners of age ranging from 18 to 20 or 22, separated at night both from juveniles and adults?
19. Cells: Is every cell utilised at night?
20. Appeals: Has there been any undue delay in forwarding appeals to courts or in the receipt of court orders on appeals?

2.7 Restrictions on non-official visitors

Despite the many responsibilities that are bestowed on the shoulders of prison visitors they should not think that they are all-powerful or that they can use their powers arbitrarily. As responsible visitors, they must follow certain rules and restrictions imposed by law. The Prison Manual expects them to observe the follow rules:

1. Non-official visitor should not visit prisoners on hunger strike and such other types segregated on disciplinary grounds⁴⁴.
2. Restriction on male and female non-official visitors to visit female and male yards respectively⁴⁵.
3. No visitor of a prison whether official or non-official should enter the prison unless and until an officer with an escort has been provided for him or her.
4. No visitor may issue any order or instruction to any jail officer⁴⁶.
5. No member of any Board of Visitors has access to such prisoners as the government may, from time to time, specify as special class prisoners.

2.8 Visiting notes

Visitors' notes are a vital part of an effective prison visiting system. The notes indicate where challenges to administration lie, common complaints, suggest remedies and are a testament of whether improvements have been made or not. Therefore every visitor should, after he or she has completed his visit to the jail, record in the visitors' book⁴⁷, the date and hour of his visit and enter therein his or her remarks or suggestions⁴⁸. Entries in the Visitor's Book must be made in the visitor's own handwriting and the book should not, except with the express permission of the Superintendent, be removed from the office. The remarks recorded by a visitor in the visitors' book should include all complaints made to him or her by a prisoner⁴⁹. However, the effectiveness of this provision is much tempered by the fact that if the Superintendent is of the opinion that a prisoner has made a groundless complaint to a visitor and should be punished, he or she should record a brief statement of the facts and note what punishment he or she proposes to award and send it to the visitor. And if the visitor dissents from the conclusion of the Superintendent, the case will be submitted to the Inspector General of Prisons. A copy of the Inspector Generals' orders should be communicated to the visitor, who is free to address government regarding the case. This means that a visitor is not limited in his reach where he or she feels there is wrongdoing or a matter that merits further action he or she has been given the right to make further representations and take his duties to their logical conclusion and that the system owes the visitor an account.

Conclusion

From the examination of legal provisions, it is clear the prison visiting system has a great potential to bring in community intervention into prison administration and contribute towards prison reforms and maintenance of rule of law and accountability. But the system had fallen into disuse in post-independent India and was revived only in 1997 as a result of direction from the High Court of Andhra Pradesh (see annexure G). In the next chapter the functioning of the system will be examined, the areas of gap and laxity in its implementation will be identified and ways and means of rejuvenating the system for the benefit of government and society will be suggested.

Chapter 3

Implementation of prison visiting system

Prison visitors include official, non-official and ex-officio non-official visitors. The government of Andhra Pradesh appoints non-official visitors to all 20 major prisons. Since the law does not explicitly provide for appointment of non-official visitors to the sub-jails, these prisons are left without any outside oversight or mechanism to review their functioning. This chapter analyses the functioning of the prison visiting system and government's role in it.

For the purpose of this study questionnaires were administered (see annexures H, J, M, N, O) to all officers in charge of prisons, District Collectors, non-official visitors, and prison inmates. Many of them were also personally interviewed. See annexure G for more information regarding the number of questionnaires administered and responses received.

3.1 Visits by District Collectors

The law mandates the District Collector to organise Board of Visitors meetings once each quarter in the prison premises. This means that he or she has to visit the jail or jails in his or her territorial jurisdiction at least 4 times in a year and is mandated to meet prisoners to understand their grievances, inspect the living conditions and find solutions to their issues. District Collectors had visited 10 prisons in 9 districts during the 2 years period under study. In 5 districts, they did not visit any prison even once (see annexure O).

District Collectors: no regulatory duties, only 'development' functions

District Collectors are mandated to keep prisons under their jurisdiction under review. They are

mandated to convene the Board of Visitors at least four times a year and as such must visit prisons at least as many times. Nevertheless CHRI found that District Collectors rarely visited jails and when they did it would most likely be on ceremonial occasions. As such the majority could not or did not answer CHRI questionnaires despite several reminders. Only the District Collector of Kadapa, Mr. Jayesh Ranjan responded promptly, without any persuasion, within a week of receiving the schedule. In conversation,

several admitted that despite being Collectors in several districts many had not heard of the prison visiting system. Others explained that developmental duties were so onerous and many that regulatory functions fell by the way side. This has negative implications for local governance overall and in particular for the socially disadvantaged who being powerless themselves must rely heavily on checks and balances within the system to protect them from abuse of authority.

Table 2

Number of visits made by ex-officio visitors at 15 prisons during 2002-2004

S.No.	Designation	No. of visits	No. of prisons	Number of prisons not visited even once
1	District Collectors	17	10	05
2	District Session Judge / CJM / CMM	64	14	01
3	Director Medical Health Service	11	06	09
4	District Educational Officer	03	03	12
5	Director of Industries	04	02	13
6	Chief Inspector of Factories	02	01	14
7	Senior Fire Officer	02	01	14
8	Members of Legislative Assmebly	12	09	06

In this section data related to prison visits made by official visitors is examined, according to the records made available to us by prison officials.

The District Collector, District Judges and the District Educational Officer have jurisdiction over all the prisons within the district. The Director of Industries has jurisdiction over the prisons of the entire state. The remaining officials are expected by law to visit prisons in their local jurisdiction.

It is important here to mention CHRI interaction with one of the District Collectors, Mr. Anil Kumar Singhal of East Godavari District. He explained his reasons why he could not answer CHRI's questionnaire of policy changes on prison visiting system. He wondered whether any District Collector in the state responded to the questionnaire, as he had not heard about the system of prison visiting and District Collector chairing those meetings, when he worked in 7 districts in the state. He said that unlike in North India, in the South the District Collectors preoccupy themselves with development functions and that leaves them with very little time for regulatory functions such as visiting prisons. To some extent Joint Collectors perform magisterial functions but that those functions are limited. It is important to make them understand that for the socially disadvantaged, looming at the margins of development and thrown at the receiving end of law, ensuring democratic functioning of regulatory institutions is extremely important.

The maximum number of visits made by any Collector during the period is two and minimum is one. Except in the districts of Kadapa, Karimnagar, and Hyderabad CHRI found no evidence to show that the respective District Collectors visited the rest of the prisons as no remarks were found in the visitors' books. This illustrates that the officials both Collectors and prison officials do not give importance either to the recording of their comments, suggestions or to their follow-up. This is true of all the visitors and of their follow-up by prison officials.

The reality is that the rules regarding the ex-officio visitors including the Collector are only found in the Andhra Pradesh Prison Rules. Copies of the rules are not available in any of the District Collectorates. They are available only in the prisons. Therefore most of the Collectors met CHRI expressed surprise that they are Chairpersons for the Board of Visitors. Most of them sought information from CHRI.

3.2 Visits by judicial officers

Among the ex-officio visitors, district level judges turned out to be the most visiting officials in the state. They made 64 visits to various jails in the State. The highest number of visits by judges was made to State

Jail for Women of Hyderabad. In a period of two years three judges visited nine times. Next comes the Warangal Central Prison to which three judges visited eight times.

During the period under review no judge visited the Prisoners Agriculture Colony of Hyderabad. The Anantapur Prisoners Agriculture Colony, and the District Jails in Karimnagar, Mahaboobnagar and Nizamabad are the least visited institutions by judges. Many judicial officers below the rank of district and sessions judge say that they cannot visit the prisons unless their senior judge specifically asks them to do so. On the whole it appears that judges pay more attention to prisons where there is overcrowding and undertrial prisoners outnumber convicted detainees. This fact appears to be in consonance with the complaints made by the convict prisoners that judges pay less attention to their problems in comparison to those of the undertrial prisoners.

Leading by example

Prison Rules do not specifically mention the home secretary as an ex-officio visitor to prisons. The framers perhaps assumed that as head of department he was already clothed with the authority to visit and it did not need explicit sanction in the rules. Mr Ashok Kumar Tigidi, IAS, who worked as Home Secretary from mid 2002 to May 2004 visited more than 15 prisons including some sub-jails across the state during his tenure despite a heavy schedule of work and has everywhere dutifully recorded, even though in short, his comments on the maintenance of the prisons. When regular visits to all the prominent prisons was possible by a distant high profile bureaucrat, can others closer on the ground really plead the lack of time and knowledge of duty as an excuse for not doing it?

The District Magistrates and the Sessions Judges are not only prison visitors but they are expected by the Supreme Court to address all the grievances complained by the prisoners. To ensure prisoner access to a judicial officer, the Court proposed the method of installing Grievance Deposit Boxes within all prisons to enable prisoners to address the judiciary directly. The Court directed that: "Within the next three months, Grievance Deposit Boxes shall be

Apex court on role of judiciary

“In the sensitive area of prison justice, the judicial members have special responsibilities and they must act as wholly independent overseers and not as ceremonial panelists. The judges are guardians of prisoners' rights because they have duty to secure the execution of the sentence without excess and to sustain personal liberties of prisoners without violence or violation of inmates' personality. Moreover when a wrong is done inside the jail the judicial visitor is virtually a peripatetic tribunal and sentinel, at once intramural and extramural observer, receiver and adjudicator of grievances”

Supreme Court

Sunil Batra (II) Vs Delhi Administration⁵⁰

maintained by or under the District Magistrate and District Sessions Judge which will be opened as frequently as is deemed fit and suitable action taken on complaints made. Access to such boxes shall be afforded to all prisoners⁵¹. It has been 25 years since the Court made this direction. But in Andhra Pradesh, none of the prisons have so far installed these boxes. Only the Home Ministers' and Prison Superintendents' complaint boxes were found and they looked rusted and depleted.

3.3 Director of Medical and Health Services

During the period under study the Director of Medical and Health Services did not visit a single prison in the state but district medical officers, who can be considered his representatives at the district level, made 11 visits to 6 prisons and 3 visits to Kadapa Central Prison, which is the highest number of visits in the state. But the prison records do not substantiate these claims by the prison department officials. In the absence of written records in prisons no definite conclusions can be reached on the result of these visits to prisons by the medical officers. 9 prisons did not receive even 1 visit from the health department from even these officials.

3.4 District Educational Officers

During the period under study, three visits are made by three district educational officers to three prisons⁵²

and rest of the prisons were not visited at all. The only educational programmes which are being held in the prisons are initiated either by Ambedkar Open University or by the concerned prison officials. Otherwise, the education department of the government as such has not been addressing the general educational needs of prisoners such as maintenance and upkeep of library and providing teachers for adult education in the prisons. As per the information available the only exception is the appointment of teachers in Central Prison of Rajahmundry.

3.5 Other ex-officio visitors

During the period of study the director of Industries visited just 2 prisons in the state. The Chief Inspector of Factories and senior fire officers of the locality had visited only the Central Prison of Warangal. Members of the legislative assembly, who are ex-officio non-official visitors to the prisons located in their constituency, made 11 visits during the period and no people's representative ever visited 6 of the total 20 prisons undertaken for study.

Interactions with various ex-officio visitors revealed that except District Collectors and judicial officers most are not aware of that they are expected to visit the prisons regularly and also extend to their duties inside⁵³. Even those officials who visit the prisons do not seem to be aware of the list of aspects of prisons, which they should inspect. This is evident from the fact that visitors record very sketchy notes in the visitors' book and often fail to record any notes at all.

Recommendations

- In addition to the list of ex-officio visitors in the Prison Manual, the following should be added:
 1. Members of National and State Human Rights Commissions
 2. Secretary of State Legal Services Authority
 3. Commissioner of Juvenile Welfare and Correctional Services
 4. Directors of Women and Chief Welfare Technical Education
 5. Commissioner of Agriculture
 6. Superintendent of Police
 7. District Probationary Officer
 8. District Education Officer (dealing with adult education)
 9. Chief Health and Sanitary Inspector
- Once a year, the Prison Superintendent should

address all the ex-officio visitors and remind them of their obligations as prison visitors. Guidelines for prison visits and Prison Manuals should also be sent to them.

- Prison officials and non-official visitors should collectively address all the prison issues, which come under jurisdiction of various ex-officio visitors, seeking their intervention for the resolution of problems.
- The minimum number of visits to be paid by official visitors in a year should be fixed by the heads of the respective departments and government. The number of visits to be made should also be on the information boards.
- The District Collector should also prepare a roster for prison visits by ex-officio visitors.

3.6 Functioning of non-official visitors

The government of Andhra Pradesh started formally appointing non-official visitors to all prisons (except to the sub-jails) in the state from 1997. Though traces of non-official visitors' appointment in earlier times⁵⁴ were found, systematic appointments came only after a 1997 direction of High Court (see the annexure G).

1. Total number of appointments made from 1997	144
2. Non-official visitors appointed two terms	16
3. Actual number of non-official visitors	128

Non-official visitors are not appointed at one time all across the state, but are appointed to different prisons at different moments. They have a two year tenure. The period of examination spanned January 2003 to December 2004. However, to better assess the pattern of visits by non-official visitors the sample size was enlarged to take account of activities of all the prison visitors appointed since 1997. CHRI approached them personally and by post and took account of all their visits during their respective two year tenures.

CHRI posted questionnaires (see annexure H) to 80 non-official visitors appointed between 1998 and 2002. CHRI received responses from only 23 non-official visitors and conducted personal interviews with another 30. Thus the total number of sample covered is 53 non-official visitors.

3.7 Number of non-official visitors appointed to different category of prisons

Rule 27(1) of the Prison Rules gives full freedom to the government to decide the number of non-official visitors to be appointed to any prison in the state. There is no specific upper limit on the number of non-official visitors to be appointed to any prison. The rule that specifies the number of non-official visitors to be appointed is only suggestive. There is nothing in the rules to prevent government from appointing visitors to sub-jails which badly need outside intervention, however so far this has not been done, though there is little cost or effort involved in ensuring that all sub-jails have effective prison visiting systems. The sub-jails, the smallest units of prison but highest in number, are the most neglected institutions in the state. Located in rural areas and supervised by officers of the cadre of deputy jailor, they hardly receive any attention from the prison headquarters and district administration. These jails deserve attention from the government and society.

Even in case of central jails, district jails and the state jail for women, for which Rule 27(2) specifies the number of visitors to be appointed, the provisions are not strictly followed. The rule provides that six non-official visitors should be for each Central Prison and that for special jails and for each District Jail, three non-official visitors should be appointed. The second part of the rule says that there should also be two female non-official visitors for each Central Prison and one for each District Jail in which female prisoners are confined. This should be interpreted to mean that eight non-official visitors including two women visitors should be appointed to all those Central Prisons, which accommodate women prisoners as well. In the case of District Jails the government used this interpretation but not in the case of Central Prisons. After reviving the prison visiting system in 1997, the government failed to appoint eight non-official visitors to any Central Prison in the state. Similarly four non-official visitors including one female non-official visitor should be

appointed to all the district prisons; but the number of non-official visitors appointed to same category of prisons also varies from time to time.

1. The government has appointed only six non-official visitors including one or two female visitors to all the Central Prisons. The Central Prisons of Warangal, Kadapa, Visakapatnam and Nellore also accommodate sizeable number of female prisoners. At a minimum, these four Central Prisons deserve the services of eight non-official visitors if provisions of the Prison Manual are liberally interpreted as done in case of District Jails.
2. Sometimes, only two members are appointed even to Central Prisons. For instance, at present only two non-official visitors are appointed to Central Prison of Hyderabad.
3. Many times, only three non-official visitors, including a woman, are appointed to District Jails. For instance, at present, only three non-official visitors are appointed to District Jails of Adilabad, Guntur, Karimnagar and Nalgonda districts. But at the same jails four non-official visitors were appointed in the past.
4. Even though women undertrials are lodged in Nalgonda District Jail, female non-official visitors were not appointed during the terms 1998-2000 and 2005-2007.
5. Sometimes the same persons are appointed to two prisons at the same time. For example the same members are appointed as non-official visitors for the District Jail and Prisoners Agricultural Colony of Anantapur. They have not visited either of the prisons in the past two years. This must cause the utmost concern about the sort of criteria that is applied to appointments and what check is kept on the duties of those appointed. The appointment of a single neglectful person to two jails was in fact causing disadvantage to two jails where by appointing one individual to visit only one jail the chance of at least some proper fulfillment of obligation would have been doubled.

Since most of the District Collectors do not have access to Prison Rules, they seem to be following the Prison Rules interpreted by prison officials. Whatever may be the process that decides the number of visitors, it is clear that a uniform number of visitors specified by the rules are not appointed.

Recommendations

- 📖 The government should appoint non-official visitors for all prisons including sub-jails in the state.
- 📖 The government should appoint six non-official visitors, including two female visitors, to all Central Prisons that accommodate women prisoners.
- 📖 The government should appoint four non-official visitors, including at least one female visitor, to all District Jails that accommodate women prisoners.
- 📖 The practice of appointing the same visitors to two prisons should be stopped.
- 📖 There should be at least two non-official visitors, including one female visitor, for each sub-jail in the state.

3.8 The procedure of appointment of prison visitors

Rule 27 (3) of the Prison Rules provides that the government appoints the prison visitors on the recommendation of the Inspector General of Prisons, who proposes names in consultation with Collectors of the concerned district. According to the Prison Rules, jails at the district level are supposed to be under the overall supervision of a District Collector. The Collector, as the Chair of the Board of Visitors, is expected to identify social workers interested in prison reforms and have their antecedent checked and forward their names to the Inspector General of Prisons, who in turn forwards the list to Home Department. And once the Collector receives orders from government, he or she should call for a meeting of nominees and hand over the orders.

As the head of the district administration, Collectors are to play a key and critical role in institutionalising the prison visiting system. But in actual practice this has been slightly different: the Inspector General of Prisons writes to all the officers' in-charge of prisons to consult their District Collectors and initiate the process of obtaining bio-datas and consent of interested persons. Many District Collectors directly informed CHRI that this regulatory function is not an area of priority for them unless the prison officers concerned pursue them seriously. No District Collector in the state appeared to have a database of prominent social activities or persons in their district who could be interested in being a prison visitor or

might have knowledge of prison functioning. Instead Collectors usually pass instructions to the lower revenue officials to identify such persons. They ordinarily propose names of retired bureaucrats. Sometimes District Collectors prompt prison officers themselves to send a panel list of names to forward to the Inspector General of Prisons. In the absence of initiation from revenue officials in this regard many times officers in-charge of prisons themselves identify a few persons and procure their bio-data and consent letters and get them forwarded to the Inspector General of Prisons through District Collectors. Even in such cases, the antecedents of the person proposed are checked and reported to the Collector either by the lower level revenue officials or police officials. Then the lists of visitors are forwarded to the Principal Secretary at the Home Ministry. The Office of the Home Secretary issues the orders of appointment to each jail and a copy of it reaches the visitors through the prison officials instead of District Collectors.

This lengthy process has been followed in case of each prison. Ideally this should not take more than three months. But in reality this whole process takes more than a year. To speed up the process of these appointments, there is a need to shorten the stages at which the names are processed. There are seven or eight stages at which names of visitors are processed before the appointment orders reach visitors. This protracted process was introduced during the Indian freedom struggle, when prisons were centres of political activity and agitations. The British Government built into Prison Rules all the necessary steps to preempt political linkage between freedom fighters inside and outside of the prison. The change in context now requires the appointment system to be streamlined and yet strengthened to insure that only the most diligent and suitable persons get selected to

Indian stretchable time

The term of non-official visitors appointed to the State Jail for Women of Rajahmundry expired in May 2001. As with many prisons, the Prison Superintendent appeared to have little motivation to appoint a new panel and there appears to have been little or no movement to create one for nearly two years. Finally at the beginning of 2005, when pressure was mounting from prison headquarters, the process began. The file with a request to propose names then went from the prison to District Collector, from there to revenue

divisional officer and again from there to lower level (Mandal) revenue officer. The prison officers surprisingly told us that⁵⁵ the file was stuck with a local Member of the Legislative Assembly, who, according to existing rules, should figure nowhere in this whole process. Finally when a panel is appointed, it was the local member (instead of District Collector) who announces the appointment to the press. In our examination it turned out that none of the appointees have expressed his or her willingness to the government to be on the panel. The fact is that local member bestows these appointments as his gift to the party cadre in his 'jurisdiction'⁵⁶, even without their knowledge. The institution of District Collectors, known as the steel frame of India is not at all that hard in exercising its own power.

Involvement of prison officers in the process of identifying potential prison visitors has its own advantages and disadvantages. They can propose persons with serious inclination to work and with capacity to mobilise social resources necessary for public participation in prison reforms. While this can be advantageous, such persons may not be able to act firmly wherever there are differences of opinion with officials on any issue of prison management.

To ensure the impartiality and independence of prison visitors, Independent Prison Visitors are appointed by the judiciary in some countries (See annexure K).

Recommendations

- 📖 To shorten the process of appointment of non-official visitors, the government should empower the District Magistrates and Collectors directly to nominate persons, according to published criteria, to all the prisons and jails in their jurisdiction at one time.
- 📖 If the above change needs amendments in the law, the government should appoint non-official visitors to all the prisons and jails at the same time to achieve uniformity and shorten the process.
- 📖 The District Collector should, through his own sources, draw a list of potential candidates for appointment as non-official visitors of prisons and send them letters of intent, soliciting their consent. A panel should be prepared out of those candidates who forward their consent.

- 📖 These panels should be forwarded directly to the Home Department for the consideration and final decision of the government.
- 📖 A maximum time limit must be prescribed for appointing non-official visitors and for convening the board. A time limit for processing appointments of non-official visitors should be fixed for all officials concerned.
- 📖 No time gap must be permitted between a vacancy appearing and the next appointment. The process of selection of non-official visitors must start three months prior to expected vacancies on expiry of term of the existing panel. It should be the duty of the officer in charge of the prison to inform the District Collector to take this up well in advance, along with providing his opinion on the panel of non-official visitors working.
- 📖 District Collectors, who are expected to play a key role in the selection of non-official visitors and in involving them in Boards of Visitors, should perform this regulatory function with due diligence and follow all the guidelines in the selection process itself.

3.9 Selection criteria for prison visitors

The Prison Manual does not specify any particular criteria for selection of non-official visitors. The only qualification made as a passing reference is that non-official visitors should be able to write the prison visiting notes in their own handwriting. A look into the professional background of non-official visitors so far appointed shows the implicit criteria followed in the selection of candidates.

The findings are set out below:

- 📖 Advocates, social workers, university teachers and missionaries visit the prisons more frequently than those with other professional background.
- 📖 Retired bureaucrats, doctors, and businessmen top the list of visitors who failed to visit the prisons during the two year term. Most of them claimed ill health as the reason for not visiting prison even once.
- 📖 A businessman⁵⁷, holding some position or the other in 35 organisations in Rajahmundry is also non-official visitor to Central Prison of Rajahmundry and he has not visited the prison even once in his term.
- 📖 One visitor⁵⁸, who refused to give consent for her reappointment for second term as a non-official visitor to the state jail for women, was nevertheless appointed; but she was not aware of it until the researcher met her for interview.
- 📖 Most of the non-official visitors with medical backgrounds see their position as an instrument to organise occasional medical camps on behalf of either Indian Medical Association or some voluntary organisation rather than to understand medical and health situation in prisons and give constructive suggestions for day-to-day health problems of prisoners.
- 📖 Most of the medical doctors, appointed as non-official visitors, are high profile personalities because of their busy practice and they are popular because of their political connections

and medical camps. Most of them are so busy that they could not give more than ten minutes time to CHRI even when met with prior appointment. They never visited prisons as non-official visitors, except to organise medical camps.

- 📖 A high profile medical practitioner⁵⁹ failed to visit the District Jail and Prisoners' Agriculture Colony of Anantapur.

Table 4

The professional backgrounds of the non-official visitors

Social background of non-official visitors appointed since 1997		Background of visitors who responded to our Question Schedule
1) Social Workers	24	07
2) Advocates	24	07
3) Doctors	24	12
4) Retired Bureaucrats	17	06
5) Businessmen	06	05
6) Teachers	09	05
7) Housewives	04	04
8) Missionaries	02	02
9) Politicians	10	---
10) Others	08	05
	128	53

- 📖 A 'visitor'⁶⁰ who has been ill with severe rheumatism and has been immobile for the past 4 years, has been consistently appointed third time as non-official visitor to the Central Prison of Visakapatnam. In her second term she never visited the prison.
- 📖 Except two non-official visitors, who are housewives, all of the non-official visitors are graduates. They are socially and professionally high profile individuals with no time to spare for those low profile nameless inmates of prisons.

Recommendations

- 📖 The government should formulate criteria for selection of non-official visitors and include this in the Prison Manual. Potential candidates for non-official visitors should:
- 📖 Be public-spirited persons of integrity, interested in prison reforms and the rehabilitation of offenders, preferably having expertise in the field of education, medicine and/or social reforms.

- 📖 At least one of the non-official visitors at central and district prisons shall be a practicing lawyer or a person with a legal or judicial background, or a person having an understanding of the functioning of the criminal justice system or human rights institutions.
- 📖 Have proof of involvement in community work.
- 📖 Indicate a willingness to spare adequate time and energy to creatively contribute to prison reforms.

In South Africa, Independent Prison Visitors are appointed by the judiciary for one year on pay and contract (See annexure I).

3.10 The question of timely appointments

Under the Prison Rules, non-official visitors are to be appointed for a period of two years. This means the government has to identify and appoint a new panel of visitors immediately after the expiry of old panel.

Table 5			
The gap between the appointments of non-official visitors in the last two terms			
Central Prisons	First appointment	Next appointment	Period of Gap
Hyderabad	May 1998-2000	February 2004	4 Years
Hi-tech Prison	*	*	*
Warangal	October 1998-2000	January 2003	2.5 Years
Visakapatnam	August 1999-2001	January 2003	2.5 Years
Kadapa	March 1999-2001	February 2003	2 Years
Rajahmundry	March 1999-2001	Non-official visitors 2003	2.5 Years
Nellore	November 97-99	May 2005	4.5 Years
District Jails			
Nalgonda	October 1998-2000	October 2002	2 years
Karimnagar	September 1998-2000	April 2005	4 years
Nizamabad	July 1998-2000	August 2002	2 years
Mahaboobnagar	November 97-99	April 2001	1.5 years
Asifabad	April 1999-2001	April 2003	2 years
Sanga Reddy	March 1999-2001	---	4 years
Guntur	May 2001-2003	July 2005	2 years
Vijayawada	July 2001-2003	----	2 years
Anantapur	September 2003-2005	-----	
State Jail for Women			
Hyderabad	July 1999-2001	November 2002-2004	1 year
Rajahmundry	August 1999-2001	-----	4 years
Prisoners' Agricultural Colonies			
Hyderabad	July 1999-2001	-----	4 Years
Anantapur	September 1998-2000	September 2003	3 Years

* No appointments made since inception of prison in 1999

After the expiry of a term of a non-official visitor the processing of fresh nominations takes at least one year. Officially there is no time limit prescribed or followed for the appointment of non-official visitors to any prison. The time shown in the table is the actual time taken in the process of nomination, scrutiny and appointment. A one-year delay in processing the name for appointment of non-official visitors (as in case the of the State Jail for Women in Hyderabad) is the minimum as is seen in the table above; but that is an exception. In the case of 17 prisons, the processing of nominations for visitors took from two to five years. Since its inception in 1999 non-official visitors have not been appointed to the Central Prison of Cherlapally, which has been popularised as the "hi-tech" prison in the state. One

requested the District Collector to send some more names for appointment the latter returned the files and refused to process the nominations. The Home Ministry had in fact have bypassed the entire procedure. Therefore the information regarding this appointment is not found either in District Collectorate or Prison Headquarters.

positive trend appearing recently has been that this gap for subsequent appointment of visitors has been coming down to six months at least in the case of some prisons such as Visaka Central Prison, District Jails of Mahaboobnagar and Asifabad. This shows that speedy processing of nominations is possible. Perhaps the officers- in-charge of these prisons might have seriously or at least as a matter of routine pursued the matter with District Collectors. Though no steps were taken either by these prison officials or non-official visitors to make the non-official visitors work in the last term of their appointment, panels of visitors have been reinstated in these three prisons as matter of routine. Here formality is followed but spirit of the system is not realised.

The story of appointment of non-officials visitors to central prison of Hyderabad

Six non-official visitors were appointed to the Central Prison of Hyderabad for the first time in May 1998. Their term expired in May 2000. None of three government departments prisons, revenue or home bothered taking steps to process the appointments of new visitors till until August 2002. In that month the Hyderabad District Collector wrote to the superintendent of the prison to propose nominations. The prison officer submitted consent letters of six individuals. The District Collector forwarded these to the government through the Inspector General of Prisons. For one and half years nothing happened in the Home Department. Meanwhile one former prison visitor, who submitted his bio-data for reappointment to the prison as a visitor moved the High Court to issue a writ of mandamus to the government that would force it to make appointments. The government pleader informed the court that two visitors had been appointed to the said prison and steps were taken to appoint four more. This was news to the District Collector and prison headquarters, as the two appointed non-official visitors were never part of the original panel recommended by the District Collector and forwarded to the prison headquarters. The Collector came to know of the appointments now made directly by the Home Department only through the government gazette that declared the appointments. When prison headquarters later

Recommendations

Non-official visitors should be appointed without any gap from one term to another. Concerned officials should start the process of selection of non-official visitors three months before the expiry of the current term of non-official visitors. It should be the duty of the officer in charge of prison to inform about this to the District Collector well in advance.

3.11 Responsibility of communication of appointments to prison visitors

Even after the lengthy process of nomination and approval of names, the orders of appointment of non-official visitors are not communicated to them several times. As the chair of the Board of Visitors, it is the responsibility of District Collectors to communicate this to the appointed non-official visitors. It was observed that wherever prison officials are involved in the identification of non-official visitors, they inform the concerned person promptly. During the study CHRI found that although many non-official visitors received their appointment orders from the District Collector's Office, a considerable number of them received it from Prison Superintendents. There is no clarity and consistency

among the responses of visitors on who should communicate the orders to them. Since there is no tradition of regular correspondence among non-official visitors, prison officials and District Collectors there is no feedback on whether the proposed persons are appointed or not. Some of the non-official visitors give consent for their appointments in such a casual manner that they do not bother to keep watch on their appointment.

Am I a non-official visitor to prison?!

Two women appointed as non official visitors⁶¹ to Guntur District Prison and State Jail for Women, Hyderabad were not aware of their appointments even two years after their appointment.

Three non official visitors⁶² appointed to the State Jail for Women, Rajahmundry, the Nizamabad District Jail and the Anantapur District Jail were informed of their appointments one and half years after their appointment. These examples reflect the complete lack of coordination between different departments involved in the management of prisons.

Recommendations

📖 In place of the District Collector who is, at present, expected to inform non-official visitors about their appointment, the concerned Prison Superintendent should be given the responsibility of making this information known to the non-official visitors.

📖 The process of appointment must be taken as completed only when the nominee has indicated his willingness to accept. If this is not provided within a stipulated time frame it must be taken that he or she has declined and another person must be chosen in his stead. Prison superintendents should maintain a record of non-official visitors indicating they have received appointment orders and have agreed to function as such.

3.12 Responsibility of Home Department

Though the Prison Department is expected to function under the administrative control of Home Department, the latter's involvement with prison visitors ends with approving the names and

publishing them in the official gazette. It does not otherwise have any direct contact or communication with non-official visitors. It doesn't retain a collation of appointees or details of their bio-data, dates of their visits or record of their quality of performance. It does not guide them in anyway to ensure their diligent performance.

If the statute is to be effectively implemented and oversight of prisons is taken seriously then the department needs to keep track of who is appointed and how well individuals and the system functions.

Recommendations

📖 The Home Department must evolve a mechanism to ensure that non-official visitors are chosen against criteria, that their consent appointment is recorded at headquarters and documentation is retained that tracks the performance of Boards of Visitors and individuals.

📖 The Home Department must ensure that official and non-official visitors are oriented to their work and one means is to send out official guidelines to non-official visitors about their role and function and the duties that the appointment carries. The acknowledgement of non-official visitors for having received these documents must be reported back to the Home Department and prison headquarters.

📖 Comments recorded by non-official visitors and forwarded to the prison headquarters by the prison officials should also be systematically documented in prison headquarters and annual reports to parliament must reflect the realities stated in these notes as well as actions taken to improve the situation in prisons year on year.

📖 A statistical record of visits made and services provided by visitors must also be kept at headquarters so as to provide a holistic picture of how the system works on the ground.

📖 It is only these kinds of records and documentation that can enable government to monitor the performance of the prison visiting system with any seriousness, take necessary remedial steps and make appropriate policy decisions in the interest of ensuring accountability and transparency in prison administration.

3.13 Roster for prison visitors

A large number of visitors, official, non-official and ex-officio non-official, are expected to visit the prisons regularly. Prison institutions have to maintain high security, and it is not possible to give free access to all the visitors without any regulatory mechanism. It may become difficult for prison officials to manage prisons if all the visitors queue up regularly everyday. Therefore the framers of law built into the Prison Manual a system called 'roster of visitors' to regulate their visits, and, at the same time, to give opportunity to all the visitors a chance to perform their functions on a periodical basis. But the implementation of the roster system appears to be very lax. Of all the non-official visitors interviewed by the study team, only eight were aware of the roster for prison visits. The official statement of information received shows that except in Kadapa Central Prison, no other prison in the state follows the roster system. District Collectors, who are supposed to prepare these rosters for every prison, are not aware of this duty and neither are prison officials keen to have the roster for prison visitors prepared.

The Board of Visitors is expected to prepare a roster of visits by each prison visitor whether the visitor is official, ex-officio or a non-official visitor. The roster has several values. It ensures that every visitor knows his or her duty. It puts the authorities on notice that there will be regular visits and retains the integrity of the security systems that are a necessity for these institutions by ensuring that there are no overly zealous constant visits, which can cause undue difficulties for the prison authorities. If the possible number of rostered visits is calculated for a fully functional system of prison visits, it amounts to 8 to 20 visits by each visitor depending on the type of prison. Besides the rostered visits under the prison regulations, visitors can make surprise visits. The Human Rights Act 1993 also confers visitorial powers on the state and national human rights commissions.

However, in practice rostering is deficient and almost defunct. Going by the official statement of information received and further research no prison in the state follows the roster system (except Kadapa Central Prison). District Collectors, who are supposed to prepare these rosters for every prison, are not aware of this duty. Nor are prison officials

keen to have the roster for prison visitors prepared. It was not surprising therefore that only 8 out of 53 non-official visitors were at all aware of the roster for prison visits.

Recommendations

- 📖 Within 30 days of the appointment of non-official visitors for jails in a district, the District Collector should call a meeting of all such non-official visitors and in consultation with them, have their names displayed on a roster of visits for each prison.
- 📖 Responsibility should be fixed on the District Collector to ensure a pre-arranged weekly or fortnightly roster of visits to each jail so as to give every category of visitor his or her turn to visit the jail.
- 📖 A visitor who is, for any reason, unable to visit the prison according to his or her turn in the roster should be bound to visit another month, provided that he or she informs the officer-in-charge beforehand of his intention to do so.
- 📖 There should be no restriction on visitors visiting prisons on dates other than those fixed by the District Magistrate, but visits should be made on a working day and during usual working hours of the institution.
- 📖 Any non-official visitor, who fails to visit the concerned prison for a period of two months, should be regarded as having vacated office and the Prison Superintendent should promptly report this to the District Collector with a view to procuring an immediate replacement.

3.14 Supply of rules and guidelines for prison visitors

The only reason for non-officials being appointed to prisons is to see whether or not the prisons are run according to rules and regulations established by law. However, most of the non-official visitors - some of whom have been appointed two or three times - have not received any guidelines or rules about their mandate or what governs their functioning. Nor are they given any post appointment orientation about the duties they are expected to discharge at minimum, nor about the prison visiting system itself or prison conditions or the prisoner's rights and duties. Only 8 of the 53 non-official visitors interviewed said they had received any rules that

regulate their visits. Only the District Collector of Kadapa, while issuing a copy of the roster, had supplied some guidelines to the non-official visitors appointed to the district's Central Prison during 2002-04. This information was limited to timing of visits and forfeiture of appointments. There was no mention of what was to be observed during their visits. For the period 2003 to 2004, non-official visitors were in place for 11 prisons in the state, but none of them were supplied with guidelines to visit the prisons. Some non-official visitors themselves felt that their appointments were made as a formality without any seriousness of purpose but rather meant to serve the cosmetic purpose of showing the world that outsiders are also involved in the management of prisons.

Recommendations

- 📖 On the day of the first meeting of non-official visitors and other visitors as the Board of Visitors with the District Collector, the Prison Superintendent should supply non-official visitors with guidelines to visit prisons and should familiarise them with the Prison Rules and their responsibilities.
- 📖 Non-official visitors should also be supplied with all the list of points to be noted by the prison visitors as provided in rules (see annexure P).
- 📖 The following aspects need to be added to the list of points to report on by non-official visitors during their visits: working of the Jail Adalats and the Under-trial Prisoner Review Committee, literacy programmes, vocational training programmes, protection of human rights and the use of parole as an instrument of social rehabilitation.
- 📖 Official and non-official visitors should pay special attention to prisoners on hunger strike and other such prisoners segregated on disciplinary grounds. It should also be mandatory that they report these incidents to the District Magistrate and all concerned officials.

3.15 Display of names of visitors

According to the Prison Rules, the names and addresses of non-official visitors must be displayed at the main entrance of each prison for the knowledge of prisoners and their relatives. However, none of the 18 prisons visited displayed these details as required.

Only 4 of the 53 non-official visitors interviewed recalled that their names had been displayed during their term. If their names are displayed the visiting relatives of prisoners can seek some help from the official or non-official visitors. If the roster of visits is also displayed, prisoners can prepare their requests in advance in writing and can be prepared to discuss their problems with the visitors. Even outside times of visit, knowledge that there is an effective Board of Visitors would allow staff and prisoners alike to point out difficulties, seek assistance and interact with the board as envisaged in the policy behind the law.

Recommendation

- 📖 In view of the legal obligations under the general law and particularly the recently enacted Right to Information Act 2005, it must be the practice for prison authorities to display the names, addresses, and phone numbers of all the visitors official and non-official, as well as the roster of visits prepared by the District Magistrate at the prison gate, at prominent places within the prison and at the place of interviews for the use of prisoners and their visitors, as well as information boards.

3.16 Prison visits by non-official visitors

Despite all the shortcomings in the communication of appointments to non-official visitors, CHRI found that sooner or later a large number of them are informed of their appointment either by District Collectors or by prison officials.

The non-official visitors of Central Prisons are expected to visit the prisons 8 times a year and non-official visitors of District Jails are expected to visit 13 times a year (if these visits are arranged according to a weekly roster). On an average every non-official can visit prisons 10 times each year. The 53 non-official visitors who responded to our questionnaires could by law have visited prisons a minimum of minimum 530 times each year and could have made more than 1000 visits during their 2-year term. However, the reality is that during the period under review:

- 📖 26 percent of non-official visitors failed to visit a prison during their 2-year term.
- 📖 Only 7 out of 53 non-official visitors (or 13%)

made the required number of prison visits (20 and above) during their 2-year term.

- 📖 According to the information provided by the prison officials and collected from non-official visitors, none of the non-official visitors appointed to Visaka Central Prison or the District Jails in Anantapur and Mahaboobnagar visited the prisons during their 2-year term.
- 📖 Only in the Central Prison of Kadapa did all 6 non-official visitors regularly visit the prison as per the roster arranged by the District Collector.
- 📖 In other prisons such as the State Jail for Women in Hyderabad, the District Jail of Nalgonda and the Central Prisons of Warangal and Rajahmundry, only 1 or 2 of non-official visitors appointed make regular, if not frequent, visits and the rest of the visitors failed to make even 1 visit.
- 📖 Only 1 non-official visitor⁶³, a retired prison official of Kadapa Central Prison, could provide all the dates of his visits.
- 📖 Non-official visitors who are also missionaries visit jails more frequently than other visitors.

This has been a long-term problem. A retired Deputy Inspector General of Prisons⁶⁴ says he has not received a non-official visitor during his 30 years in prison service. When appointed as a non-official visitor to the prisoners' agriculture colony of Anantapur, he failed to visit the prison as he shifted from that town to take charge of the Chairmanship of the Prison Manual Review Committee.

Lost opportunities and lost governance

It is possible for each visitor to make 10 visits a year on average to a prison to which the visitor is appointed. If every type of prison had its full quota of prison visitors, the total number of visitors would be 236. Then the system would receive at least 2360 number of visits in a year. But, leaving aside the vacancies and the visits permitted to official visitors, even if just the few non official visitors who are appointed visited in accordance with the minimum allowable, they would have been able to visit their prisons 1060 times in 2 years. As it is CHRI found that the 53 who responded to our questionnaire could have made 530 visits but in fact made 294 visits, just 27.5% of the required number of visits, thus wasting some of the best means of keeping prison functioning under review and by being derelict in their duty depriving inmates and staff of the possibility of airing grievances, getting redress and improving the system.

It is clear from the table of visits below that only 39 non-official visitors made at least 1 visit to a prison in 2 years of time and 14 of the total visitors never visited a prison during their term. It can also be seen that only 7 visitors made the required number of visits over 2 years.

Table 7
Frequency of visits by non-official visitors over two years

Number of non-official visitors		Number of visits they made	
	14		0
	4		1
	7		2
	5		3
	2		4
	5		5
	3		6
	2		8
	2		10
	2		12
	6		20
	1		30
Total	53		294

Recommendations

- 📖 Each Board of Visitors, as a whole, must hold its meetings at least once a quarter and these meetings should, as far as possible, be held on the jail premises. Regular meetings of Board of Visitors on the jail premises will ensure all its members make at least 4 visits a year.
- 📖 In order to monitor the frequency of visits a record must be kept with due diligence by the Prison Superintendent. Failure to visit for more than two months or failure of official visitors to visit the jail on stipulated occasions or to visit less than previously agreed must be reported to the District Magistrate for making alternative arrangements. It should be viewed as a dereliction of duty.
- 📖 Reappointment of non-official visitors at the end of term must be done with the written consent of the non-official visitor. Reappointments must be based on demonstrable criteria of previous interest and involvement in prison work. No reappointment must be considered if the record of performance does not indicate conscious regular visits by the non-official visitors and a record of fulsome notes.

3.17 Prison visiting notes by visitors

The Prison Manual mandates that non-official visitors should record their observations after every visit. Most non-official visitors confess that even when they visit they do not record their observations, instead orally discussing a few matters with the prison officials. For the most part, visitors' notes, including the comments made by officials, are very sketchy and most of them focus on the hygiene conditions and little else. These notes do not reflect the complexity of living conditions in the prisons and requirement of prisoners and staff. Very few non-official visitors recorded their observations regularly or with diligence. A visitor⁶⁵ at Rajahmundry recommended the construction of new barracks, provision of emergency drugs such as snake anti-venom, and the appointment of residential medical officer to meet the needs of prisoners round the clock (see the annexure L). Every time he visited he made elaborate recommendations and all of them were sent to prison headquarters. However, no evidence was found of any response received. Similarly one female non-

official visitor from Mahaboobnagar recorded a detailed visiting note and brought specific needs of women prisoners to the notice of prison officials. Likewise one of the non-official visitors to Central Prison of Kadapa⁶⁶, a retired prison officer, also recorded detailed visiting notes and presented the problems of undertrial prisoners. An examination of the notes over time shows that prison visitors gradually lost interest over time, perhaps as they saw that there was little or no response to their observations and suggestions. The number of prison visiting notes also depends on whether Prison Visitors Book was made available to visitors and whether they were encouraged by officials to write their comments honestly. Prison officials did not insist upon non-official visitors to record their comments and recommendations in writing. In fact they often discouraged the practice. The following responses reflect the general trend regarding the visitors' notes:

- 📖 A three-time appointee⁶⁷ at the State Jail for Women in Hyderabad, who was a regular visitor for 8 months in 2004, noted that the Visitor's Book was not made available.
- 📖 Another regular visitor⁶⁸ to the Central Prison of Hyderabad pointed out that as long as she does not put her views in black and white she is freely allowed to enter the prison and officials cooperate with her. She says that since she is more concerned for prisoners she refrains herself from writing in the Visitors Book.
- 📖 A visitor⁶⁹ to District Jail of Asifabad says that although the Visitor's Book is made available, the officials ask him not to write his opinion in the book.
- 📖 A regular visitors to the State Jail for Women⁷⁰, Rajahmundry, was surprised by the question and informed that no official ever asked her to record her opinion on the prison conditions.

These few examples indicate that most non-official visitors lack knowledge of the purpose of the prison visiting system and prison personnel overtly or covertly deter them from the discharge of their functions. Even when prison officials and non-official visitors are willing to work together, there is no encouragement from the prison headquarters.

Prison visitors notes in Prisoners Agriculture Colony of Hyderabad

A Visitor's Book was opened at the open prison in Hyderabad, as per a circular from Head Office No. S II 2/112/82 dated 2 December 1982. In total there are 18 entries for 21 years -that is up to 12 January 2004. All these entries are from prison officials from different states from Uttar Pradesh, Goa and Delhi, who visited the prison and appreciated the experiments done here with the new concept of open prisons. None of the 18 entries are from any person from the civil society in the state. From 1991 to 1998, that is for seven years, there were no entries at all in the book. Even from 1998 to 2000 when non-official visitors were appointed, there were still no entries to be found.

The frequency of notes, which are by no means equal to each visit and their poor quality demonstrate that very few non-official visitors actually know what it is they are to observe when they visit prisons.

Appointment without supervision guarantees nothing!





In the last 6 years, non-official visitors have been appointed promptly once in two years continuously to Central Prison of Visakapatnam. But the Prison Visitors' Book shows no entry by any of them during the entire period. This means appointments are made to reward some supporter of ruling party or local elite, who is neither interested or nor trained to perform his duties or involved into board meetings.

Since the non-official visitors are expected to perform purely on voluntary basis, there is no way to make them accountable for non-performance except by removing them from the visitors' panel. On the other hand, there is no social or governmental recognition to those rare few who visit prisons and write their observations in detail. It is necessary to bestow some form of recognition on these visitors.

The prison visiting system is intended to involve social participation in prison reforms and to make penal


institutions accountable. But the system has fallen into disuse for so long that it now appears to many prison officers as a nuisance. There is an urgent need to reverse the popular and governmental understanding that penal institutions are beyond the reach of general public and social accountability. Like the policy of sentencing of offenders to community service, which was contemplated some time back, the government should also formulate a policy of community participation in prison management and reforms. In an atmosphere of institutional accountability to larger society through public participation the observations and recommendations made by non-official visitors will carry a meaningful significance among the prison officers from top to bottom. Otherwise the knee-jerk reactions of government to the orders of judiciary to observe Prison Rules will always end in its technical observance, but violation in substance.


Recommendations


-  A single visitors book for the use of official and non-official visitors must act as a record of visits, recommendations and suggestions and be readily available to all those concerned with prisons. This book/register should not be removed from the jail premises, except for photocopying, which can only be done with the permission of the superintendent.
-  It must be mandatory for every visitor after each visit to enter the date and hour of his or her entry and exit, and remarks or suggestions he or she may wish to make with regard to the internal arrangement of the jail or the state of discipline maintained there. Entries should be made in the visitor's own handwriting.
-  Notes must be complete and include every point required in the guidelines and according to the prison regulations. Even if the visitors are only able to make brief remarks such as 'good', 'bad', 'nothing objectionable', or 'no comments', the entry must be made. This note should be in addition to the mandatory general remarks in the Visitors' Book. CHRI would recommend that registers be printed to accommodate lists of items to be observed along with boxes for grades and spaces for special and general comments.
-  Once every two months, the superintendent should forward a copy of visiting notes to the

Inspector General of Prisons. The notes should include his comments on each point, as well as the administrative position on the implementation of any suggestions made. A special cell should process all visiting notes received at the prison headquarters within 30 days and send a reply to the superintendent outlining:

- i. Action taken on all suggestions falling within the administrative and financial powers of the Head of the Department;
- ii. Reference to the administrative department in the government on all suggestions not within the powers of the head of the Department; and
- iii. Reasons for disagreement on suggestions found unreasonable or not practical.

 The superintendent should forward a copy of the orders, if any, from the Inspector General or the government to the visitor.

 The superintendent should cause these orders to be copied in brief in the Visitor's Book for the information of the visitors.

 Visitors' notes should be discussed at the meetings of the Board of Visitors along with action taken reports and recommendations of official and non-official visitors should be endorsed.

3.18 Functioning of Boards of Visitors

The District Collector constitutes the Board of Visitors in his or her capacity as Chairperson with all the official and non-official visitors. The Board of Visitors is generally constituted by administrative heads of various departments such as health, education, engineering and sanitation at district level so as to collectively address problems faced by prison administration. The Chairperson of the Board has to inform official and non-official visitors of their duties and conduct meetings of the board once in a quarter. Thus he or she has a crucial role in the functioning of the visiting system. All non-official visitors are part of the Board of Visitors⁷¹. While non-official visitors are free as individuals to strive to find solutions to the prison problems that come to their notice, Boards of Visitors gives them an opportunity to maximize the effects of their intervention. It also gives an opportunity for non-official visitors to address complex issues, which require the collective


functioning of various government departments. If properly addressed by the board officials that provide critical and ancillary support as well as the administration can be galvanised into functioning systematically and in coordinated fashion to sort out long festering problems before they become crises.

The District Collectors of Adilabad and Kadapa had constituted Boards of Visitors but admitted that no quarterly meetings were ever held. In fact, no District Collectors had called for the quarterly meetings of Board of Visitors in any of the prisons of the state.

The eight Collectors CHRI interviewed were nevertheless of the view that regular visits by non-official visitors should be compulsory and quarterly Board of Visitors meeting should be organised to make prison visiting system more effective. However, they wanted more initiative to come from the prison officers rather than themselves because as Collectors they head hundreds of other committees in the district and can barely find time for these let alone take primary responsibility for yet another committee. Apart from the responses of District Collectors the following observations can be made:

1. Since most of the Collectors have only a short stint in the districts, many do not get a chance to know about non-official visitors and their appointment.
2. The reference to non-official visitors can be found only in the Prison Manual, which is not available in any of the offices of District Collectors. Therefore almost 95% of District Collectors do not have any knowledge about these rules and about guidelines for prison visits. This is also the case with most of the official visitors to prisons. Many District Collectors asked the researcher and prison officials to furnish details of the non-official visitors system to complete CHRI's questionnaire. Many of them expressed regret that they were not aware of such a useful institution as non-official visitors and Board of Visitors.

Recommendations

 The prison department should supply a copy of the Prison Manual to all the District Collectors and Joint Collectors immediately.

- 📖 The official, non-official and ex-officio non-official visitors to all the prisons in the district should constitute Boards of Visitors, of which the District Collector, or in his absence, the Joint Collector, should be the ex-officio Chairperson.
- 📖 The Prison Superintendents should take initiative to call for Board meetings in consultation with District Collectors.
- 📖 The District Sessions Judge, the Chairperson of District Legal Aid Committee and the Superintendent of Police may depute a surrogate on the Board, not below the next in command.
- 📖 One of the main functions of the Board of Visitors, apart from attending to the requests of inmates and making observations on “points to be noted by the visitors” mentioned in rules, should be to advise and help prison administration in the development of correctional programmes by using social resources and mobilising support from outside agencies.
- 📖 A visiting note on all aspects of prison management enumerated in the rules on “points to be noted by the visitors” should be drafted by the District Magistrate and sent to the Superintendent of the concerned jail as soon as possible.
- 📖 If the Chairperson of a Board has reason to believe that any point raised has been met with undue delay or by an evasive reply, he or she should communicate directly with the Inspector General of Prisons or the Home Secretary.
- 📖 The mandate of each Board must be to ensure transparency in prison management and humane living conditions in the prisons.
- 📖 Each Board must make a collective visit to a prison before meeting on the jail premises at least once every quarter.
- 📖 All visitors must present notes of all visits before the relevant Board, suggestions should be addressed and adopted, and action plans drawn with a time limit specified.
- 📖 Each Board must be presented with a quarterly action taken report by the jail authorities and with written reasons for delay or non-acceptance.
- 📖 Each Board may comment on these, keep suggestions for improvement under review and monitor the visits of its own members for quality and frequency. Its full minutes must be sent to (a)

the prison headquarters (b) the Home Department and (c) the State Human Rights Commission. Government should consider instituting some kind of public recognition or award for performance of demonstrably excellent services as a non-official visitor.

3.19 Prison Rules

Rules framed under section 59 (25) of the Prisons Act 1894 (Chapter IV of the Prison Rules), which deal with the prison visiting system must be amended to make the system practical and effective. A draft of set of amended rules is attached (see annexure P).

Chapter 4

Analysis of statistical data

This chapter looks at the responses of various stakeholders to the system of prison visitors, prison inmates, prison officials, District Magistrates and non-official visitors. 66 personal interviews of prison inmates were conducted and a small number of literate detainees were administered with questionnaires. For details of questionnaires see annexure K and annexure L.

4.1 Responses of the prison inmates on prison visiting system

1. 15% of inmates interviewed were aware that non-official visitors are appointed to visit prisons. 25% of the convicts who are long-term prisoners were aware of the system, while only 4% of undertrials knew of it. Women prisoners in mixed prisons knew very little about the visiting system and the lack of knowledge of this important facility in this very vulnerable segment of the prison population is indicative of the lack of value placed on it by the prison administration. It is equally indicative of the poor levels of attention that women merit from the visitors whether official or non-official.
2. Inmates' responses to the question whether information about non-official visitors was provided to them by prison officials or not shows that officials are not at all keen to involve non-official visitors in prisoners' welfare or to seek their help in meeting the needs of prisoners. Just 4 out of a total of 66 prisoners interviewed accepted that prison officials informed them of the non-official visitors' appointment. Even these prisoners had overheard this from prisoners working in the office.
3. Only 6 out of 66 prisoners were able to name some of the non-official visitors. Of these only 2 responses (the first from the State Jail for Women and the other from the Central Prison of Rajahmundry) appear to be genuine and the rest of responses are the result of tutoring of inmates by the officials⁷².
4. The number of responses to question number 4 in tables 9 and 10 (see below) reveals the level of interaction between non-official visitors and inmates. The fact that prisoners have never made any requests to non-official visitors does not

mean that prisoners do not have any issues to bring to the notice of visitors; it only reflects the actual level of functioning of the system. What is really surprising is that even long term prisoners seem not to have brought any issues to the notice of non-official visitors who have visited their prison. It is not that there are no complaints or requests that need attention. When met by CHRI staff there were many detainees who would seek intervention on different issues. It implies that either prisoners were not aware of the function of visitors when they were in their midst or that the visits were made in such away that there was little or no interaction and little opportunity to approach and speak freely to the visitors. This can be construed to mean that neither non-official visitors nor prisoners are aware of the purpose of the prison visiting system and prison department and government have been ignoring the system and causing it to die slowly.

5. The overwhelming majority of prisoners are keen to have a system that in principle is intended to address their problems. 84% of prisoners want the system of non-official visitors to continue in spite of its present state of dysfunction. Significantly the two prisoners who objected to the system said that they felt so because the present system did not function. Their advice that the system should be discontinued arose more out of cynicism and regret than any quarrel with the idea itself.

The responses to the last six questions reflect, with rare exceptions, how much prison inmates expect from non-official visitors. They expect close and active interaction with non-official visitors and like to interact with them independent of prison officials. They want to correspond and communicate personally with visitors and seek various kinds of assistance from them. They also expect that non-official visitors should visit the prisons as frequently as possible and are completely against reducing their number of visits.

Table 9
Responses received from undertrial prisoners
Total number of undertrial prisoners interviewed: 25 (Men: 21, Women: 4)

S.N.	Question	Men		Women		No response	Total
		Yes	No	Yes	No		
1.	Do you know that non-official visitors are appointed for visiting jails?	1	20	--	3	1	25
2.	Did any jail official inform you about the persons who have been appointed as non-official visitors of your jail?	--	19	--	4	2	25
3.	Can you tell the name of any non-official visitors who was appointed at your jail for the past two years?	--	21	--	4	--	25
4.	Did you ever make any request or complaint to any non-official visitors?	2	19	1	2	1	25
5.	Did you receive any information about the action taken on your request or complaint?	--	21	--	--	4	25
6.	Should the system of non-official visitors be discontinued?	1	20	--	--	4	25
7.	Should the frequency of inspections by non-official visitors be increased?	19	--	2	--	4	25
8.	Should the frequency of inspections by non-official visitors be decreased?	2	19	--	4	--	25
9.	Should non-official visitors be formally introduced to prison inmates?	21	--	2	--	2	25
10.	Should the prisoners be informed about the functions of non-official visitors?	21	--	2	--	2	25
11.	Should prisoners be allowed to seek personal interviews with non-official visitors?	18	3	--	--	4	25
12.	Should prisoners be allowed to enter into correspondence with non-official visitors?	18	3	2	--	2	25

Table 10
Responses received from convict prisoners
Total convicted prisoners interviewed: 41 (Men: 37, Women: 4)

S.N.	Question	Men		Women		N/R	Total
		Yes	No	Yes	No		
1.	Do you know that non-official visitors are appointed for visiting jails?	9	28	1	3	-	41
2.	Did any jail official inform you about the persons who have been appointed as non-official visitors of your jail?	4	33	Nil	--	4	41
3.	Can you tell the name of any non-official visitors who was appointed at your jail for the past two years?	6	31	1	3	-	41
4.	Did you ever make any request or complaint to any non-official visitors?	--	37	--	--	4	41
5.	Did you receive any information about action taken on your request or complaint?	NA	--	NA	--	-	41
6.	Should the system of non-official visitors be discontinued?	1	36	--	1	3	41
7.	Should the frequency of inspections by non-official visitors be increased?	36	1	1	--	3	41
8.	Should the frequency of inspections by non-official visitors be decreased?	1	36	--	1	3	41
9.	Should non-official visitors be formally introduced to prison inmates?	37	--	1	--	3	41
10.	Should the prisoners be informed about the functions of non-official visitors?	37	--	2	--	2	41
11.	Should prisoners be allowed to seek personal interview with non-official visitors?	37	--	1	--	3	41
12.	Should prisoners be allowed to enter into correspondence with non-official visitors?	37	--	1	--	3	41

4.2 Pattern of responses from inmates

Broadly categorised, three kinds of responses came from inmates.

- 📖 The majority of inmates do not know that the non-official visitor system exists. They are curious to know who these non-official visitors are and what their duties are.
- 📖 Inmates recognise non-official visitors as people who appear in the prison during public occasions and then disappear. They seem to believe that the visitors as they function now are incapable of bringing about changes.
- 📖 Nevertheless, inmates have a broad range of expectations from the prison visiting system and believe it has potential to improve their lot. They expect that visitors will at least listen to their problems, help in their individual cases and bridge the gap between prisons and society by removing apathy and misunderstanding in the society towards prison inmates.

The responses of the prisoners indicate the frustrations they feel regarding the treatment they receive from both society and government. They strongly feel that non-official visitor system should function effectively. But the current implementation of the non-official visitors' system does not fulfil its purpose. To make the system really effective, non-official visitors should be appointed without gap from one term to another. They should be formally introduced once in 2 months to all the new inmates and duties of non-official visitors should be formally informed to prisoners as well as non-official visitors. The responses of prisoners to questions 9, 10, 11, 12 clearly express these demands. These demands need to be met.

The following are some of the suggestions to make non-official visitor system more effective:

- 📖 The officers in charge of prisons should genuinely be willing to involve and expect cooperation from non-official visitors to address various problems faced by inmates and prisons as such. Non-official visitors should not be considered as an interference or nuisance.
- 📖 On receipt of information that non-official visitors have been appointed, the Superintendent of the relevant prison should address a letter to

all the non-official visitors, inviting them on a particular day for a formal introduction with the staff and inmates. The responsibilities of non-official visitors should be formally explained to prisoners and staff as well as to non-official visitors. Whenever there is an arrival of large number of new prisoners, they should be formally brief about their role as non-official visitors.

- 📖 After a formal introduction, non-official visitors are expected to fulfill their duties without a call or invitation from the Prison Superintendent.

4.3 Operationalisation of non-official visitor system by prisons officials

The responses received from 15 prison officials who responded to our questionnaires indicate how the system is being operationalised by the concerned personnel. The data shows the lack of seriousness with which the officials involve the appointed non-official visitors into prison system. Though 3 prisons claimed that Boards of Visitors meetings had been held, none could provide any written evidence (such as minutes) in support of their claims. In fact no District Collector claimed to know of the obligation mandated by the Prison Rules to hold Board of Visitors meetings. Under the Rules, the Board of Visitors has to meet once in a quarter and inspect prisons collectively during those meetings. Even when the data provided showed that a roster of visits had been prepared for 5 prisons, these claims were only substantiated in Kadapa and Rajahmundry Central prisons, the former by the District Collector and in case of the latter at the initiative of Prison Superintendent. The roster system as provided by statute is completely ignored by the government.

Table 11
Responses from 15 prisons

SN.	Question	Yes	No	No response	Meetings
1	Was a copy of the rules relating to appointment of and guidelines to visitors to prisons sent to non-official visitors appointed during last term?	4	8	3	--
2	Was a Board of Visitors Meeting called in the last two years under the Rule 28, 29 of Prison Rules 1979? If yes, number of Inspections made by the Board.	3	12	–	--
3	Was a Roster of Visitors prepared in your jail during the last term?	5	7	3	--
4	Is a list of non-official visitors displayed at the main gate of prison?	8	3	4	--
5	Did the local Member of the Legislative Assembly visit the jail during the 2003 and 2004?	9	6	--	–

4.3.1 Supply of guidelines to prison visitors

As for the supply of rules relating to appointment of non-official visitors and guidelines, the claims made by 3 central prisons and the Hyderabad State Jail for women were corroborated by the non-official visitors who received them. But they were supplied only during the initial years of revival of non-official visitors. Even at that time, they were not supplied the detailed functions of non-official visitors, which are found in Part II of the Prison Manual. The extracts from the Prison Manual are not easily intelligible to non-official visitors without legal background. The non-official visitors, who received the extracts, expressed the feeling that they could not comprehend their duties from the extracts and therefore it appears the extracts served no purpose.

4.3.2 Display of names of prison visitors

The prison officials claim that 8 out of 15 prisons have displayed the names of non-official visitors near the main gate during the term of their office. But during visits CHRI found that none of the prisons, for which non-official visitors are in place, displayed the names of visitors at the entrance. The responses of non-official visitors also corroborate this observation.

The official data and responses indicate that Members of the Legislative Assembly visited 9 prisons out of 15 during 2003 and 2004. Even here they did not bother to record their comments in the visitors' book. Recorded evidence shows that only the Home Minister visited District Jail of Nizamabad in 2004.

4.3.3 Number of prison visitors appointed

The prison officers were asked to give their opinion on the subject of the number of visitors appointed. As elaborated earlier, eight non-official visitors are to be appointed to all the central prisons. In practice only six non-official visitors, including one or two women, visitors have been appointed. Sometimes only two visitors are appointed. At present only two visitors are appointed to the Central Prison of Hyderabad. In Anantapur district, the same members were appointed for both the Prisoners Agriculture Colony and the District Jail. Though four visitors, including one female visitor, are to be appointed to District Jails under the Rules, many times only two or three visitors have been appointed. Rule 27(2) of the Rules specifies that in addition to three male visitors, one female visitor can be appointed to the District Jails in which female prisoners are also lodged. Since all the

District Jails, which are basically designed for male prisoners, accommodate female prisoners also, four non-official visitors should be appointed at each of them, including one female visitor.

9 out of 15 prison officers expressed the view that the present number of non-official visitors, appointed should be continued, while three of them felt it should be increased and the rest felt the number should be decreased. The responses only reveal that the majority of the prison officers are not keen to have adequate number of non-official visitors as specified in the Rules. This is basically the result of the brewing misunderstanding among officials that non-official visitors are an unnecessary interference in prison management. Prison officers clearly and explicitly express this opinion.

Since women prisoners face more problems than the men prisoners do, it is natural that officers of state jail for women opined that the number of prison visitors should be increased. The Superintendent of the District Jail of Mahaboobnagar said that the number of non-official visitors should be increased to four as specified in the rules.

4.3.4 Financial assistance to prison visitors

From the responses received a majority of officers felt that prison visitors should be paid either an honorarium or a travel allowance. Since most of the visitors so far appointed are from wealthy background, it is difficult to believe that many did not visit the prisons due to a lack of transport. It is also difficult to believe that the payment of a token honorarium or meager transport allowance will induce them to visit the prisons. The visitors may be reminded of their responsibility if, on occasion, the prison officers arrange transport. The Superintendent of the District Jails, in Anantapur, expressed the opinion that arranging conveyance to visitors is not a difficulty, if they show sufficient interest to visit the prisons and help them to take reformatory activities.

The responses of non-official visitors are along the same lines. 35 of 53 respondents to the structured questionnaire felt that there is no need for any honorarium to the visitors. The rest of the respondents only expressed the need for some sort of monetary assistance. The non-official visitors, who were personally interviewed, also felt that

duties of non-official visitors should be of social and voluntary in nature and so an honorarium is not necessary. At the same time, 28 responses indicate that either local conveyance should be provided or some sort of local travel arrangement by the department should be made to enable visitors to make regular visits to the prisons.

4.3.5 Qualifications to prison visitors

The Prison Rules do not prescribe any minimum educational qualifications for the persons to be appointed as visitors. It merely says that those appointed should be able to write visitors' notes in their own handwriting. All officials suggested that graduation should be the minimum educational qualification for their appointment. In Andhra Pradesh in this is not an area of concern since most of the non-official visitors so far appointed have been professionals with qualification of graduation. The non-official visitors with specialised educational qualifications are at present focusing only on their area of expertise. For instance, doctors and lawyers are confining themselves to the issues of health and legal matters and are not paying attention to the quality of prison management in general. While specialised qualifications have their own advantages, orientation on the complexities of prison administration to non-official visitors is essential if their concrete intervention for prison reform is expected.

4.3.6 Political affiliation of prison visitors

The Prison Rules do not provide any specific criteria for selection of visitors by the government or more specifically by the District Collectors. It appears from the appointments made during 1998 that some of the visitors had backgrounds of political parties. Some actively working non-official visitors and some senior prison officials expressed the view that a number of non-official visitors belonging to political cadres tried to use their positions for personal gains. In order to assess the capacity of non-official visitors to influence the government to move prison reform forward, CHRI asked officials a question whether some of the visitors should be appointed from political parties. But there seems to be almost unanimous opinion against the appointment of political cadres to the positions of non-official visitors. Only 2 of 15 officials

expressed the view that some non-official visitors can be appointed from political parties. On the other hand all the officials unanimously expressed the view that non-official visitors should be appointed from amongst respectable experienced senior citizens of society. While the government can seriously consider this opinion of officials it is also necessary to see whether retired bureaucrats have clean and honest background during their tenure. They should also be physically fit to take up timely visits to prisons, have sufficient time to attend meetings of the Board of Visitors and exhibit interest to help the prison administration in meeting the complex needs of prisoners.

4.3.7 Who should appoint prison visitors?

CHRI asked officers who they thought should appoint the visitors in order to ascertain the positive or negative aspects of the present process of nomination of non-official visitors. 10 out of 15 officers were against any change in the present system of processing of names and appointments. They said only District Collector, as at present, should select persons for nomination of non-official visitors. They were against nomination of non-official visitors either by the State Human Rights Commission or the District Judiciary or the District Legal Services Authority. Only 3 out of 15 agreed with the view that the State Human Rights Commission should appoint visitors and train them for proper discharge of their duties. 2 prison officers opined that either a District Sessions Judge or the District Legal Services Authority should be the authority to appoint and supervise the functioning of non-official visitors.

A majority of the prison visitors (30 out of 53) suggested that the State Human Rights Committee or Commission should appoint them. 26 visitors suggested that District Collector should continue as at present, but directly, instead of going through the entire process followed at present. 10 of the total respondents suggested that either District Sessions or District Legal Service Authority should handle the responsibility of appointment of visitors. They also felt that the expected role of non-official visitors should be informed to the proposed nominee before their appointment. Then only those who are interested in prison reforms will accept the offer of the government. Others will not. Respondents also agree with prison officials that prison visitors should not be appointed only from political party workers.

In the whole process of appointment of non-official visitors, prison headquarters is playing just a liaison role and after nomination of names, it plays no role in making the system work. It gives almost no importance to visitors' notes and completely relies upon its departmental supervision and inspections. If it can pay some attention to the visitors' notes and performance of non-official visitors as such, the information generated can richly supplement the inspection notes produced by internal mechanism of the department. Visitors' notes can fill gaps that arise in the mechanism of vertical accountability.

Prison headquarters can strengthen the prison visiting system in two ways.

- 📖 Whenever an officer of headquarters visits a jail, he or she should call for a meeting of all the non-official visitors of that institution and discuss matters specifically related to that prison with them. This shall keep non-official visitors active and infuse a sense of respect and responsibility among them.
- 📖 The jail inspection wing of prison headquarters should monitor the visits of non-official visitors and official visitors and follow-up the implementation of their suggestions; this would have a positive impact on the management of prisons.

4.3.8 Prison officials' views on prison visitors

Prison officials felt that all kinds of high profile individuals from business, medicine, law and academia are getting appointed as prison visitors, but that the appointees do not have time to visit prisons except occasionally for arranging medical or health check up camps. Officials feel they are not genuinely interested in prison reforms. Representatives from the above fields may be appointed only if they are able to spend sufficient time for prison work. They also opined that some of the visitors think that their appointment is only a social honour and nothing else. Appointment of that kind of persons should be discouraged. They are also in favour of prison visitors with experience in criminology and social counseling and from amongst respectable experienced senior citizens of society. They also feel that payment of either an honorarium or a travel allowance to prison visitors might improve their performance. They strongly recommend that prison visitors should at least be

graduates.

Prison officials feel that visitors should not expect invitation from officials every time to visit the prisons. They also expect that visitors should understand that prison staff are doing a thankless job and therefore there may be some omissions and commissions. They felt visitors should not make big issues but cooperate with staff to correct the situation. Instead, officials expect, visitors should show interest on their own and be constantly in touch with the prison administration to understand the complex needs of prisoners.

Prison officials expressed the view that if visitors collectively visit the prison, time will be saved for prison administration. In their opinion, if doctors and lawyers give more time to visit prisons that would be very helpful to the administration. They said that visits by ex-officio visitors are rare and far between, but that their visits should be made mandatory. They also strongly felt that with the existing inadequate staff it is difficult to liaise with non-government organisations, non-official visitors and other departments of government to undertake reformative activities

4.4 District Collectors' response on prison visitors and Board of Visitors

According to Rule 28(1) of the Prison Rules, the District Magistrate of each district has to constitute a Board of Visitors with official and non-official visitors. The Collector as the Chairperson of the Board has to call for nominations for appointment of non-official visitors, inform them of their duties and conduct meetings of the Board each quarter. He or she has a crucial role in the functioning of official and non-official visitors to prisons. Therefore it was thought appropriate to seek their opinion on the effective functioning of the system.

None of these three Collectors has ever recommended to the government to restrain or remove those non-official visitors who failed to visit the prisons even once during their 2-year term. In fact, all 8 Collectors responded negatively to this question. Rosters for prison visitors were not prepared in any of the districts except Kadapa. In the Central Prison of Rajahmundry, the Superintendent himself took the initiative to prepare roster for non-official visitors.

The Collectors of Adilabad and Kadapa responded that Boards of Visitors were constituted for the prisons

in their districts though no quarterly meetings were ever held. It appears that they did not understand the question posed. Our enquiries in prison offices, Collector's offices and visitors reveal that in none of the prisons in the state the District Collectors had ever called for the quarterly meetings of Board of Visitors.

As a result of this laxity of duties by District Collectors, most of the prison visitors are not aware of the concept of Board of Visitors. Only 15 out of 53 prison visitors have some knowledge about Board of Visitors. They are also aware of other visitors and official visitors of the board. Of the total non-official visitors interviewed, only 11 confessed that they have some knowledge about duties of Board of Visitors. Only 4 visitors revealed that sometimes they visited prisons along with board visitors. Only 1 visitor revealed that he attended a board meeting but the claim is not substantiated. It is pertinent here to remember that all the 15 prison officers admitted that meetings of Boards of Visitors were not called in the past 2 decades. The irony of situation is that many prison officials are not even aware that the Prison Manual mandates board meetings once each quarter.

All the District Collectors, who responded in writing or otherwise, have agreed that non-officials visitors deserve to be continued but two of the three District Collectors felt that non-official visitors should not be appointed from amongst political workers but only from respectable citizens. They also felt that some amount per visit should be paid. They also favoured short trainings programmes to be put in place for the prison visitors.

4.5 Prison visitors' responses to prison visiting system

In this section the responses of prison visitors to various questions posed to elicit their opinion to improve the functioning of Prison Visiting System are presented.

The table is self-explanatory. Of the 39 non-official visitors who actually visited prisons one time or the other, only 8 made some written requests to prison department or government on the issues of medical conditions and the plight of undertrial prisoners. Though some of them made repeated requests to the officials, the prison department hardly ever formally responded to their representation. An Action Taken Report was never sent. The response of the government seems to be too discouraging even to those very few enthusiastic non-official visitors who visit prisons regularly to take their work too seriously.

Table 21
Responses from 15 prisons

The questions on visits	Responses		No response	
	Yes	No		
To improve the prison conditions, did you ever send any written requests to prison officials or concerned officials?	8	28	3	
If so, please give us details.	7 Requests related to medical facilities 1 request related to an undertrial prisoner			
If your answer is yes, how many times did you make your requests?	Once 3	Two times 2	Three times 1	More than three times 2
Did you get response from the Prison Department or state government?	Yes, every time 2	More than half times 1	Less than half times ---	Never 5
In response to your requests, did you ever receive the Action Taken Report from the government?	—	---	—	8

4.5.1 Recommendations: Functioning of non-official visitors

1. Non-official visitors should be formally introduced to the prisoners after appointment and, if necessary, frequently.
2. Non-official visitors' names and addresses should be displayed at the main gate of each prison.
3. Non-official visitors should be informed of their duties and responsibilities as visitors and be supplied with visiting guidelines and rules in the forms of booklet either by the government or the prison department. The Prison Department must arrange some orientation training or induction process for newly appointed non-official visitors.
4. Retired professors, criminologists, police officers and judicial officers, including human rights activists should be appointed as non-official visitors.
5. All prison staff should recognise the prison visitors and even in the absence of a Prison Superintendent, non-official visitors should be allowed to visit the prison.

6. Non-official visitors should be allowed to talk to inmates within sight, but out of hearing, of the prison officials.
7. There should be prompt response from the prison department on the suggestions made in the prison visitors book.
8. Non-official visitors should have access to the Prison Manual.
9. Prisoners should be allowed to communicate directly with the non-official visitors and to submit written requests.
10. Non-official visitors should be given freedom to write in the visitors' book all the issues that come to their notice during the visits.

4.5.2 On relationship with prison officials

1. Non-official visitors deserve a more decent and respectful response from prison officials than what they are generally receiving at present. They should not be seen as intruders in prison work, but as responsible representatives of the society who are there to help both prisoners and prison staff.
2. Non-official visitors should have right to visit

the prisons without advance intimation and talk to randomly selected prisoners in their barracks.

3. Prison officials should call for meetings with non-official visitors at times other than public occasions.
4. Non-official visitors' suggestions should be taken seriously and responded to by staff of the Prisons Department.
5. Visits to the prison by senior officials of prison headquarters should be intimated to non-official visitors in advance so that they can join them at such occasions.
6. The District Collector, as the Chair of Board of Visitors, should spare some time for holding meetings of the board and for joint visits by official and non-official visitors.

4.5.3 On prison conditions

1. Health care in the prisons should be improved. Sufficient para-medical staff should be appointed to all the prisons. Ambulances with all medical equipments should be provided at least to all prisons with an inmate population of more than 250.
2. Sufficient work should be provided to all prisoners and non-government organisations should be involved in training the prisoners on various aspects of employment opportunities.
3. More educational opportunities should be provided to prisoners by appointing paid teachers.
4. Prison staff, especially more junior staff, should be given training on the human rights of the prisoners.

Annexure - A

Government of Andhra Pradesh Home (Prisons) Department

GOVERNMENT OF ANDHRA PRADESH
HOME (PRISONS.B) DEPARTMENT

Memo No.6460/Pri.B(2)/2006-6

Dated 23.5.2006

Sub: Prisons Department – Appointment of Non Official Visitors to the
Central Prisons and District Jails Report Called for – Reg.
Ref: 1. D.O. Letter No. 6460/Pri.B(2)/2006-1 Dated 3.3.2006 and
Dated 12.5.2006

2. From the Commonwealth Human Rights Initiative, New Delhi
Booklet on Prisons visiting system in A.P. 2005.

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A Copy of the Booklet received with the reference cited in which the
Commonwealth Human Rights Initiative, New Delhi have made certain major
findings in regard to Prisons Visiting System in A.P.2005 is furnished herewith to the
All Collectors and District Magistrates.

The All Collectors and District Magistrates are therefore directed to follow
the following instructions scrupulously in the matter .

1. Review, as chairperson of Board of Visitors to Prisons the functioning of
Prison Visits by official and non-official visitors in the district, and take
appropriate steps to revive and rejuvenate and carry forward prison reforms.
2. Select public-spirited persons of integrity, interested in prison reforms work
and rehabilitation of offenders, preferably having experience in the fields of
education, medicine and/or social reforms and a proof of involvement in
community work as potential candidates for appointment of non-official
visitors.
3. Submit proposals to Government through Director General of Prisons and
Correctional Services, Andhra Pradesh, Hyderabad for appointment of at least
two Non-Official Visitors including one woman to sub-jails and in case of
other prisons as specified in the AP Prison Rule 27(1).
4. Start the process of selection of panel three months prior to expected
vacancies on expiry of term of existing panel of visitors and not permit any
time gap between appointments.
5. Draw a larger list of potential candidates from their own source, procure
letters of intent and consent and prepare a panel out of the list and forward
the same to the government.
6. Ensure that appointments are communicated to non-official visitors through
prison superintendents soon after their appointment and maintain records of
their acceptance.
7. Call for a meeting of non-official visitors soon after their appointment and
prepare a weekly roster of visits for each prison by official and non-official
visitors as per Prison Rule 28(1).
8. Instruct the prison superintendent to supply a copy of AP Prison Rules 1979
to the office of collector, joint collector and concerned district ex-officio
visitors.
9. Supply prison-visiting guidelines to all the official and non-official visitors
and ensure that they are strictly adhered to during their visits and after.

10. Instruct all the visitors that after every visit to prison a detailed note of all their remarks, suggestions and complaints on prison living conditions in the Prison Visitors Book is mandatory as per Section 12 of the Prisons Act 1894.
11. Instruct all the prison superintendents that complete contact details of all the visitors be displayed inside and outside the prison premises as per Prison Rule 38 as well as under Right to Information Act, 2005.
12. Instruct the prison superintendent to make arrangements for all the visitors to interact with prisoners in a free and fair atmosphere.
13. Instruct the prison superintendents to forward all the prison visitors' notes with administrative position on implementation of each suggestion to prison headquarters as well as all the concerned ex-officio visitors including District Magistrate as per Prison Rule 33.
14. As chairperson, constitute the Board of Visitors to Prisons out of ex-officio visitors, ex-officio non-official visitors and non-official visitors as per Prison Rule 28(1).
15. Instruct prison superintendent to fix the dates of and agenda for Board of Visitors in consultation with you in advance and inform all the visitors accordingly.
16. Hold at least one meeting of the Board once in a quarter in the prison premises of Central or District jails with all visitors to all the jails in the district as per Prison Rule 28(1).
17. Instruct Joint Collectors to chair the meetings of Board, if not able to do so themselves.
18. Ensure discussions on Visitors' Notes at the Board Meetings along with action taken report and recommendations of official and non-official visitors.
19. Ensure that adequate number of visits (as decided in the roster) are made by visitors, review the performance of visitors in the Board meetings and issue suitable instructions and guidance to all the visitors to perform their duties with due diligence.
20. Consider those non-official visitors who fail to visit the prison for a period of two months as having vacated office and take steps to replace them promptly in consultation with government as per Prison Rule 28(2).
21. Communicate all the minutes of Boards meetings to 1. Prison Headquarters, 2. The Home Department, 3. State Human Rights Commission, 4. State Legal Service Authority for further instructions.
22. Consider instituting public recognition or award for performance of
23. deemonstrably excellent services as visitors to prisons.
23. Play a key role in the selection of non-official visitors and their involvement in the meetings of Board, perform this regulatory as well as reformatory function with due diligence and preside over the prison reforms at the district level.

The major findings of the study report is also enclosed for guidance to the Collectors for necessary action.

PAUL BHUYAN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

All Collectors and District Magistrates, (in name cover)

All District Jails.

All Central Prisons.

The Director General and Inspector General of Prisons and Correctional Services,
Andhra Pradesh, Hyderabad.

Copy to Prisoners' Agriculture Colony, Ananthapur/Cherlapalli.

Copy to Commonwealth

B-117, Sarvodaya Enclave,

Ist Floor,

New Delhi 110017

✓ Copy to Dr. K. Murali, Consultant,
Commonwealth Human Rights Initiative,

P1, Rathnanidhi Towers,

Snehapuri Colony,

Hyderabad-500076.

Sf/Sc.

//FORWARDED BY ORDER//


SECTION OFFICER

Annexure - B

Circular



GOVERNMENT OF ANDHRA PRADESH

A.P. STATE LEGAL SERVICES AUTHORITY

Nyaya Seva Sadan, City Civil Court Compound
Purani Haveli, Hyderabad -500 002
Ph.23446700, 23446702, 23446703 Fax:23446701
E-Mail:apslsaauthority@yahoo.com
E-Mail:apslsaauthority@rediff.com

N.VIDYA PRASAD
Member Secretary

ROC No:128/APSLSA/LSW/06 Dt:21-07-2006

CIRCULAR

Sub:- Legal Services to prisoners – Providing Grievance Boxes in prisons.

I am to state that in the meeting held on 13.07.2006 with the Hon'ble Executive Chairman, A.P. State Legal Services Authority and the Director General and Inspector General of Prisons and Correctional Services it is resolved to put up Grievance Boxes in prisons. In this regard, I am directed to issue the following instructions:

1. To keep requisite number of Grievance Boxes in the Central Prisons / District / Sub-Jails of your respective Jurisdiction.
2. Issue necessary directions to the Superintendents of the respective Prisons to see that free access is afforded to the prisoners to put up petitions for Legal Aid, or complaints of transgression on human rights., injuries or torture, where he/she needs remedial action, in such Grievance Boxes.
3. Such Boxes shall be under the lock and keys. The keys shall be in the custody of the Chairman, District Legal Services Authority or Mandal Legal Services Committee as the case may be and shall be opened only under the Authority of the respective Chairman once in a week.
4. The Secretaries of the respective District Legal Services Authority or the Chairman, Mandal Legal Services Committee shall get the complaints/petitions processed in Grievance Boxes enter the complaints/petitions in a separate register duly noting the action taken at their end on each complaint/petition.
5. The Secretary, District Legal Services Authority or the Chairman, Mandal Legal Services Committee as the case shall take all necessary steps to make the prisoners know about the Grievance Boxes kept in the prisons by the District Legal Services Authorities or Mandal Legal Services Committees and awareness be created among prisoners in this regard through Para-Legal volunteers identified in prisons.
6. The District Legal Services Authorities are permitted to meet the expenditure incurred for preparing Grievance Boxes and locks from out of Legal Aid Fund if the Jail authorities fail to provide such facility.
7. The Chairmen, District Legal Services Authorities are requested to issue a press note in this regard in News papers / Electronic Media.

District Judge & Chairman, District Legal Services Authority, Chairman, Mandal Legal Services Committee shall take all steps for establishing Grievance boxes in the Jails in your unit and send compliance report by 16.08.2006 so as to place it before His Lordship.


For MEMBER SECRETARY

To:

1. All the Chairmen, District Legal Services Authorities.
2. The Secretary, A.P. High Court Legal Services Committee, Hyderabad.



GOVERNMENT OF ANDHRA PRADESH

A.P.STATE LEGAL SERVICES AUTHORITY

Nyaya Seva Sadan, City Civil Court Compound
Purani Haveli, Hyderabad -500 002
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E-Mail:apslsaauthority@rediff.com

N.VIDYA PRASAD
Member Secretary

ROC No:127/APLSA/LSW/06 Dt:21-07-2006

CIRCULAR

Sub:- Legal Aid to Prisoners – Establishing Legal Aid Cells in Prisons.

I am to state that in the meeting held on 13.07.2006 in the chambers of Hon'ble Executive Chairman, A.P. State Legal Services Authority with the Director General and Inspector General of Prisons and Correctional Services it is resolved to establish Legal Aid cells in prisons and the Prison Department has no objection for providing accommodation for Legal Aid Cells in the prisons. In this regard, I am directed to issue the following instructions:

1. The District Legal Services Authorities shall establish Legal Aid cells in Central Prisons / District / Sub-Jails of their respective Jurisdiction.
2. The Legal Aid cell shall consist of Secretary, District Legal Services Authority, Chairman, Mandal Legal Services Committee as Chairman and three Bar Members and three representatives of the NGOs working in this field.
3. The Legal Aid cell shall have its sitting once in a week preferably on Saturdays under the supervision of the Secretary, District Legal Services Authority, The Chairman, Mandal Legal Services Committee in the premises of the respective prison itself.
4. The Legal Aid cell shall create awareness among the prisoners on the Legal Services available to the prisoners, their rights and duties and conduct counselling for the prisoners in Jail Adalat and also deal with the issues relating to U.T.Prisoners, like impressing police to file final report without delay and disposal of U.T.Prisoners cases.
5. The Legal Aid cell shall also assist in drafting representations for the prisoners on the aspect of asking for Legal Aid in filing Criminal Appeals / defending Criminal cases and for bails.
6. The Chairmen, District Legal Services Authorities are required to constitute the Legal Aid cells in prisons by 15.08.2006 and submit report for placing the same before Hon'ble Executive Chairman, A.P. State Legal Services Authority.

District Judge & Chairman shall take all steps for establishment and functioning of Legal Aid Cells in the Jails in your unit and send compliance report by 16.08.2006 so as to place it before His Lordship.


For MEMBER SECRETARY

To:

1. All the Chairmen, District Legal Services Authorities.
2. The Secretary, A.P. High Court Legal Services Committee, Hyderabad.



GOVERNMENT OF ANDHRA PRADESH

A.P.STATE LEGAL SERVICES AUTHORITY

Nyaya Seva Sadan, City Civil Court Compound
Purani Haveli, Hyderabad -500 002
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E-Mail:apslsaauthority@yahoo.com
E-Mail:apslsaauthority@rediff.com

N.VIDYA PRASAD
Member Secretary

ROC No:126/APSLSA/LSW/06 Dt:21-07-2006

C I R C U L A R

Sub:- Legal Aid to Prisoners – Para Legal Volunteers in Prisons.

I am to state that in the meeting held on 13-07-2006 of Hon'ble Executive Chairman, A.P. State Legal Services Authority, with the Inspector General and Director General of Prisons and correctional services, it is resolved to develop system of Para Legal Volunteers in Prison. In this regard, I am directed to issue the following instructions:

1. The Secretary, District Legal Services Authority, in consultation with the concerned Jail Superintendents identify at least 10 educated prisoners in each Central Prison / District / Sub-Jails of his Jurisdiction for training them as Para Legal Volunteers. Care should be taken that the identified prisoners shall have at least six months sentence period from the date of identification.
2. The Secretary, District Legal Services Authority, has to organize training programme to these selected Para Legal Volunteers on the following topics:
 - i) Rights and Duties of Prisoners
 - ii) Arrest and Bail
 - iii) First Information Report
 - iv) Lok Adalats, Free Legal Services to Prisoners Under Legal Services Authorities Act
 - v) Jail Adalats
 - vi) District Legal Services Authority deems it necessary any other Act or Topic
3. The identified Para Legal Volunteers be given training on the relevant subject and topics for four session, two sessions in each month, continuously.
4. After completion of four sessions training to Para Legal Volunteers, fresh volunteers are to be identified and are to be given training for four sessions.
5. The Secretary, District Legal Services Authority has to see that these trained Para Legal Volunteers shall
 - a) Create Legal awareness to prisoners about their rights, Duties and Legal Services available to the prisoners by conducting legal awareness meetings and interactions.
 - b) Help the Prisoners in drafting petitions for Legal Aid for bail, for defending criminal case and for filing criminal appeals.
 - c) Make the Prisoners to know various welfare measures taken by the Government in respect of Women Prisoners and their Children and pregnant women prisoners.

District Judge & Chairman, District Legal Services Authority and Chairman, Mandal Legal Services Committee are requested to identify the Para Legal Volunteers and start developing the system of Para Legal Volunteers in Prisons. You are also requested to take all necessary steps and send compliance report by 16.08.2006 so as to place it before His Lordship


For MEMBER SECRETARY

To:

1. All the Chairmen, District Legal Services Authorities.
2. The Secretary, A.P. High Court Legal Services Committee, Hyderabad.

Annexure - C

Addendum

Methodology

CHRI followed the method:

1. CHRI visited 17 of the 20 major prisons to which non-official visitors are appointed. Some sub-jails were also visited to understand the conditions prevailing in small units of prisons.
2. CHRI interviewed prison officials, district and sub-jail officers, prison visitors, District Collectors, legal aid officers, judicial officers, doctors, retired prison officials and prison inmates using a structured questionnaire.
3. CHRI administered questionnaires to District Collectors and non-official visitors.

Time span: Since this study focused on the functioning of non-official visitors, importance was given to visiting prisons to which non-official visitors were appointed more frequently. The study covered non-official visitors both currently appointed as well as those whose term has expired. The study covered a two year term of ex-visitors and visitors in office and functioning of official visitors.

After obtaining permission from the department of prisons, the study team visited 17 prisons in the state. These 17 prisons cover all 4 categories of prisons, where the law provides for appointment of non-official visitors. They are Central Prisons, District Jails, Prisoners' Agriculture Colonies and Jails for Women. Thus the total number of various categories of prisons visited was 17, as follows: 6 Central Prisons, 7 District Jails, 2 Prisoners' Agriculture Colonies and 2 State Jails for Women. Some prison officers were cooperative, others were not.

236 prison visitors would be in place if prison rules were implemented properly. Leaving aside the sub-jails for which appointments have not been made by government, it should be possible to appoint at least 96 visitors to all Central Prisons, District Jails, State Jails for Women and Prisoners' Agriculture Colonies. In fact only 54 visitors were appointed for the period

under review, filling just 56% of positions and leaving 44% empty.

CHRI sent out questionnaires to all the appointed visitors, 80 in all. Of them, only 18 responded. Those 18 that responded without prompting had made at least 1 visit to a prison. 14 who had not ever visited a prison had to be pursued and were personally interviewed. Others who did not respond were perhaps in this category as well. Despite efforts, many visitors refused interview. 15 questionnaires were returned for incomplete or wrong addresses as the government records were incomplete.

Annexure - D

Consolidated weekly lock-up report of prisoners in Andhra Pradesh as on 28 May 2005

Category of jails	Number of jails	Capacity			Convicts			Remand prisoners			Detenuess			Civil			Total			Excess	
		M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	Actual	%
1	Central Prison	6428	204	6632	3903	1	3904	3831	204	4035	8	0	8	12	0	12	7754	205	7959	1327	20.01
2	District Jails	1518	119	1637	143	0	143	2073	174	2247	-	-	0	-	-	0	2216	174	2390	753	46.00
3	Primary Agriculture Colonies	385	0	385	227	-	227	-	-	0	-	-	-	-	-	0	277	0	277	-108	-28.05
4	State Jails for Women	0	320	320	0	169	169	0	201	201	0	2	0	0	0	0	0	372	372	52	16.25
5	Barstal School	93	-	93	5	-	5	-	-	0	-	00	-	-	-	0	5	0	5	-88	-94.62
6	Sub-Jails (147)	1801	402	3203	77	0	77	2920	29	2949	-	-	0	-	-	0	2997	29	3026	-177	-5.53
	Total	11225	1045	12270	4405	170	4575	8824	608	9432	8	2	10	12	0	12	13249	780	14029	1759	14.34

M= Male, F= Female, T= Total
 Courtesy: Office of Director General of Prisons and Correctional Services

Annexure - E

Statement No III

Statement showing accommodation and number of prisons and prisoners during 2003 and 2004

Category of jails	Number of jails functioning on 31 March 2004	Accommodation as on 31 March 2004			Prisoners at the beginning of the year as on 1 April 2004			Prisoners at the end of the year as on 1 March 2004		
		Male	Female	Total	Male	Female	Total	Male	Female	Total
2	3	4	5	6	7	8	9	10	11	12
Central Prisons (7)										
1		1000	-	1000	918	-	918	1112	-	1112
2		1500	-	1500	1476	-	1467	1696	-	1696
3		823	80	903	1110	77	1187	1046	71	1117
4		1409	-	1409	1560	-	1560	1819	-	1819
5		720	100	820	658	10	668	766	39	805
6		488	12	500	370	24	394	559	45	604
7		488	12	500	870	4	874	873	42	915
	Total	6428	204	6632	6953	115	7068	7871	197	8068
District Jails										
1	Sangcroddy	90	5	95	125	10	135	254	18	272
2	Nalgonda	130	7	137	199	19	204	133	14	147
3	Mahaboobnagar	131	16	147	207	11	218	343	23	366
4	Nizamabad	292	28	320	188	14	202	204	12	216
5	Karimnagar	259	40	299	290	-	290	421	26	427
6	Asifabad	208	15	223	164	15	179	121	-	121
7	Vijayawada	162	4	166	253	3	256	308	25	333
8	Guntur	146	4	150	308	23	331	286	15	301
9	Anantapur	100	-	100	203	5	208	279	21	300
	Total	1518	119	1637	1930	93	2023	2329	154	2483

Source: Annual Administrative Report of Department of Prisons and Correctional Administration, Hyderabad

Annexure - F

Prisoners in Andhra Pradesh in 1998-2005 as on 31 March of respective years

Year	Convicts	Under trials	Women			Lifers	Deaths	Parole	Furlough	Escort parole	Escapes	Children
			Con-	Under victs	Total trials							
1998-99	4076	10534	121	509	630	1685	91	378	98	29	39	31
1999-00	3935	9357	113	508	621	1720	72	378	98	29	38	59
2000-01	4202	8193	108	449	557	1884	84	217	89	46	52	59
2001-02	4434	8140	123	508	631	2298	80	218	156	28	34	82
2002-03	5123	7834	162	438	600	2482	112	279	212	38	43	59
2003-04	5290	9102	178	525	703	2841	110	437	294	27	43	59
2004-05	4908	9054	180	567	747	2807	112	511	279	29	45	75

The figures are averages on any day in a year. The total turnover of male prisoners in a year is around 155,000 detainees and for female prisoners is around 19,000 detainees.

Source: Annual Reports of Prison Department, Andhra Pradesh

Annexure - G

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)
WEDNESDAY THE TWENTY NINETH DAY OF OCTOBER
ONE THOUSAND NINE HUNDRED AND NINETY SEVEN
PRESENT:

THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
WRIT PETITION NO. 8029 OF 1997

BETWEEN

Nyaya Samrakshna Seva Samithi, a regd
Society, having its registered office at
H. No. 10-30208/1, Vidyanagar, Karimnagar
Rep. by its secretary, N. Pradeep Kumar

...PETITIONER

AND

1. The Govt. of AP. Rep by its Principal
Secretary to Government, Home Department
AP Secretariat, Hyderabad
2. The Director General and Inspector General
Prisons and Director of Correctional
Services, A.P. Chanchalguda, Hyderabad

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not appointing non-official visitors to the Central prisons/District prisons etc., in the state of Andhra Pradesh as per Rule 27 of A.P. Prison Rules 1979 is arbitrary and illegal and consequently direct the respondents to appoint the non-official visitors to all the Central Jails/District Jails etc., in the state of Andhra Pradesh forthwith.

FOR THE PETITIONER: Mr. S. Satyam Reddy, Advocate
FOR THE RESPONDENTS: G.P. for Home

The court made the following:-

Order:-

Order Continued:-

WRIT PETITION NO, 8029 OF 1997
ORAL ORDER

The petitioner in the instant writ petition prays for a writ of Mandamus declaring the action of respondents in not appointing non-official visitors to all the central/District Jail in the state of Andhra Pradesh as per Rule 27 of the AP Prison Rules 1979 as arbitrary and illegal. The petitioner also prays for issuance of necessary consequential directions directing the respondents to appoint non-official visitors to all the Central Jails/District Jails in the state of Andhra Pradesh forthwith.

The petitioner is a registered society and one of its aims and objects is to protect the rights of the citizens especially those who are in the distress and are in need of legal assistance and to fight against the deprivation of the rights of the citizens of in general. In the instant writ petition, the petitioner is concerned with the fate of the prisoners and the under trial prisoners. The Society is aggrieved by the inaction of the respondents in discharging their statutory duty

and obligation in the matter of appointment of non-official visitors to the Central/District Jails. The petitioner asserts that Rule 27 of the AP Prison Rules, 1979 requires the authority concerned to appoint non-official visitors to the Central Prisons/District Jails etc., in the state of Andhra Pradesh.

There is no dispute with regard to appointment of non-official visitors to the Central Prisons/District Jails. Rule 29 of the AP Prison Rules, 1979 provides that a visitor may satisfy himself about the living conditions of the prisoners. He may satisfy himself with the food and clothing supplied to the prisoners in accordance with the scales laid down. The Board consisting of the visitors are entitled to receive complaints and petitions and satisfy themselves as to the quality of the food that is given to the prisoners. It is not as if the non-official visitors to be appointed under the rules have no role to play at all. There is a laudable object behind the scheme as to why non-official visitors are to be appointed to visit the jails. There is also no dispute that the respondents are duty bound to appoint non-official visitors.

In fact, the counter affidavit filed by the Additional Inspector General of Prisons makes an interesting reading. In the counter affidavit it is inter alia stated "it is a fact that non-official visitors could not be appointed in various jails as requisite proposals are not received from the Collectors, and the second respondent has been corresponding with the Collectors for furnishing the proposals. It is further stated that the petitioner Society never approached the respondents to know the reasons for the delay in the appointment of non-official visitors.

Even in the counter affidavit except stating that the Collectors failed to submit the report and the list, no other ground is shown as to why the non-official visitors could not be appointed. It is undoubtedly failure of duty and discharge of legal obligation by the respondents. Collectors' indifference to the requisition of the second respondent is no answer. The court is not at all satisfied with the reasons put forth in the counter affidavit. The first respondent of course, did not even care to file any counter affidavit even in the matter of this nature.

Having regard to the facts and circumstances of the case, having heard Sri Satyam Reddy, learned counsel for the petitioner and the learned Government Pleader for Home, I consider it appropriate to direct the respondents to take all necessary and required steps and complete the appointment process of non-official visitors to the jails in the state of Andhra Pradesh. The first respondent shall now issue necessary directions to all the Collectors in the districts to immediately send the panel suggesting the names for such appointment as non-official visitors to jail. Thereafter, the respondents shall take necessary steps and pass order appointing the eligible and qualified persons as non-official visitors to the Central Jails/District Jails etc., as the case may be. The process in this regard shall be completed by the respondents within a period of 4 months from the date of receipt of a copy of this Order. The respondents shall submit a report to this court through the registrar (Judicial).

The writ petition is accordingly allowed as indicated above. No costs.

That rule has been made absolute as above.

Witness the Hon'ble Mr. M.N. Rao, Acting Chief Justice, on this Wednesday, the twenty ninth day of October, one thousand nine hundred and ninety seven.

FOR SECTION OFFICER

To

1. The Prl. Secretary to the Government of AP, Home Department.
AP Secretariat Building, Hyderabad
2. The Director General and Inspector General Prisons
and Director of Correctional Services, A.P. Chanchalguda, Hyd.
3. C.CS to the GP for Home, High Court of AP, Hyd
4. 2 C.O Copies
5. The Registrar (Judicial), High Court of Andhra Pradesh, Hyd.
6. Copy to the section officer, Writ filing Section, High Court of A.P. Hyd.

Annexure - H

Question schedule for OIC of prison relating to non-official visitors

1. Name:
2. Age:
3. Educational qualification:
4. Present designation:
5. Period spent in the present position:----- years ----- months
6. Postal address with PIN Code:
7. Phone number with STD code:
8. Number of NOVs appointed under order ----- and ----- who visited your prison and how many times?

S.L.	Name of the visitor	Number of visit
1		
2		
3		
4		
5		
6		

9. Was a copy of rules relating to appointment and guidance of NOVs sent to the newly appointed NOVs? Yes/No
10. Is a Board of Visitors appointed for your prison? If yes, mention the number of visits made by NOVs? Yes (So many times)/No
Dates, the BOVs met during the current session? Yes (So many times)/No
11. Is a roster system prepared for your jail? Yes/No
12. Is the list of NOVs and official visitors demonstrated at the main gate? Yes/No
13. How many times did the following visit your prison during this year?
 - a. Local MLA
 - b. Dist and Sessions Judge
 - c. Addl. Sessions Judge
 - d. Chief Metropolitan Judge
 - e. District Magistrate
 - f. District Medical and Health Officer
 - g. District Educational Officer
 - h. Director of Industries
 - i. Chief Inspector of Factories
 - j. Senior Fire Officer

14. Did you forward all remarks and reports made by NOV's to your higher authorities?
 Yes/No
 If yes, how many times? Once/ Twice/ Thrice/ More
15. Did you receive any response on these notes and reports from prison headquarters or government? Yes (so many times) /No

16. Suggestions for improvement.
 In your opinion, which of the following can improve the functioning of Prison Visiting System in future? Tick the ones you find correct and cross the ones you find incorrect. Also fill in the blanks according to your discretion.

- a. The number of NOV's should be increased. (How many)
- b. The number of NOV's should be decreased. (How many)
- c. NOV's should be paid Rs ----- per visit or Rs -----per year as honorarium.
- d. No honorarium should be paid to NOV's, but they should be paid journey expenses per visit.
- e. Preference should be given for reappointment of NOV's with experience of working in prisons.
- f. Some minimum educational qualifications should be prescribed for appointment as a NOV.
- g. NOV's should be appointed from amongst political parties.
- h. NOV's should be appointed from amongst experienced/retired/senior citizens with a will to work for a cause.
- i. A meeting should be held ----- times of all the NOV's of the state with the minister and ----- with higher officials of jail department.
- j. The state government should appoint NOV's as at present.
- k. NOV's should be selected and appointed by State Human Rights Committee.

17. Should be formally introduced to the prisoners and staff after appointment? Yes No

18. Do NOV's visit on their own or do you invite them?
 a. On their own. b. Rarely come on their own c. Sometimes not always

19. In your opinion do the NOV's hesitate to talk to prison staff and prisoners freely?
 a. No, never hesitate. b. some times c. Many times
 d. Always scared to approach prison.

20. Do NOV's visit your prison along with other NOV's? a. Yes b. No

21. If your answer is yes, how many times?
 a. Once b. Twice c. Thrice d. Do not remember

22. Are you aware of the duties of the Board of Visitors? a. Yes b. No
23. Are there any occasions when more than one NOV or Board of Visitors visited the prison?
a. Yes b. No
24. If yes how many times: a. Once b. Twice c. Thrice d. Four times.
25. To improve the prison conditions did you ever make any request to non-official visitors or the Board of Visitors? a. Yes b. No

If yes, please give the details of your request.

26. If your answer is yes, how many times?
a. One time. b. Two times c. More than three times d. More than five times.
27. Did non-official visitors and Board Visitors respond to your request?
a. Yes they always responded b. more than half the times c. Less than half the times
28. Did you make that kind of request ever again?
a. More than one time b. Only once c. Never again
29. Do make the visitors' book available always to the prison visitors?
a. Yes, always b. No, never c. Sometime only
30. After every visit by non-official visitors to the prison do you request them to record their opinion in the visitors' book?
a. Yes, always b. No, never c. Sometimes
31. Do non-official visitors record their opinion along with their signature?
a. Yes, always b. Never c. Sometimes
32. When visitors make requests, on what issues do you pay more attention?

33. Is there a video-conferencing facility in your prison for undertrial prisoners? a. Yes b. No
34. Is every undertrial prisoner produced before the magistrate regularly? a. Yes b. No
35. Sometimes undertrial prisoners are not produced before the magistrate. Among the following what are the reasons for that?
a. Lack of escort guards Yes/No
b. Unavailability of escort at right time Yes/No
c. Lack of proper escort vehicle Yes/No
d. Other reasons

36. Is there an Undertrial Prisoner Review Committee instituted in your prison? a. Yes b. No
37. If yes, please give details of the members?
 President -----
 Member -----
 Member -----
 Member -----
 Member -----
 Member secretary -----
38. What is the periodicity of meeting by the Undertrial Review Committee?
 a. Every month b. Once in three months c. Once in four months
39. Please give the details of the undertrial prisoners who got benefit from the recommendations of the Undertrial Review Committee in the year 2004.

S.No	Name of the UT & father's name	Details of court to which UT was sent	Date of sending	Reasons for sending	Verdict of the court

Date and Place:

Signature
 Prison Superintendent

Annexure - I

Number of questionnaires sent and responses received

	Particulars of persons to whom questionnaires were sent or who were interviewed personally	Number sent	Responses received	%
I	1. Non-official visitors	80	18	022
	2. Personal interviews	35	35	100
	Total		53	
II	Prison Superintendents	04	00	000
	Personal interviews	16	15	093
III	Convict prisoners (interviewed)	41	41	100
IV	Undertrial prisoners (interviewed)	25	25	100
V	District Magistrate	16	04	025

Questionnaires were sent to all non-official visitors whose addresses figured correctly in the official gazettes and whose address CHRI could trace. Questionnaires were sent to magistrates of 16 districts in which prisons are located. CHRI met 6 personally but confirmed responses from only 4.

Interviews with inmates had been contemplated in the design of the study. However, this angle was not pursued. There were several reasons for this. CHRI was not allowed free access to prisoners to make its inquiries, there were many more transiting undertrial prisoners than long stay prisoners of whom to make inquiries and in most prisons no non-official visitors had been appointed. As such our interactions had necessarily to be informal.

At the beginning of the study it was planned to study a certain number of prison inmates of each category, but as shown earlier, most of the prisons had not had non-official visitors appointed for the past two to five years. Since most of the District Prisons confine only short term convicted and undertrial prisoners, they did not have chance to interact with non-official visitors. There were hardly any long-term women undertrial prisoners who had come across any non-official or official visitors during their stay in the prison. Therefore it was difficult to find women prisoners who had experience of interacting with prison visitors. Thirdly in very few prisons was CHRI

in a position to freely to choose and interact with prisoners and in most of the cases, selected prisoners were produced before the researcher in the office of the Superintendent.

Nevertheless inmate reactions were strikingly similar. The sample of study was restricted by many factors such as non-appointment of non-official visitors to many prisons in the past two years, short duration of undertrial prisoners and non-cooperation of prison officials in so far as free interaction with prisoners was concerned. Therefore the number of inmates interviewed turned out to be quite small.

Annexure - J

Questionnaire to non-official visitors (NOV)

Code: _____

1. Name: _____
2. Father's name: _____
3. Caste: _____
4. Age: _____
5. Educational qualifications: _____
6. Permanent address with PIN Code: _____
7. Profession: _____
8. Phone with STD code: _____
9. Are you a member of or an activist with any political party? If so,
a) Please name the party _____
b) For how long _____
10. When were you appointed as an NOV? Month..... Year.....

11. Name the prison for which you have been appointed? _____

12. Is this the first time that you have been appointed an NOV? Yes No

If this is not your first appointment please say how many times you have been appointed an NOV. Indicate the name of the jail and give the date of the appointment:

Previous appointment	Name of the jail for which appointed	Date of appointment	Period for which appointed
First time			
Second time			
Third time			
Fourth time			

13. Did you leave your assignment in the middle of the term? Yes I did leave No I completed my full time

If your answer is "yes", please indicate the reasons for leaving:

14. During the present assignment how many times did you visit the prison (please state exact number of visits; if you can supply exact dates please do so)
I visited.....times on (dates) _____

15. When you visit the jail, do you take permission of the authorities before visiting
 Always Sometimes
 Never I don't need the permission of jail authorities to visit
16. Do you visit according to schedule/roster prepared by the prison visitors board?
 Yes No
17. Do you make visits
 Whenever you want to when a prisoner asks you
 When the jail authorities invite you on holidays and celebration days
18. Were you ever prevented from visiting the jail when you wanted to?
 No I was never stopped from visiting
 Sometimes I was not allowed to visit
 Yes, I was often stopped from visiting
 Yes, every time I wanted to visit I was not allowed to do so

Please give the reasons (if any) for not being allowed to visit when you wanted to:

19.1. How did you visit the prison

Manner of Visit	No. of Visit
Alone	
With other non-official visitor(s)	
With officers of district judiciary or district administration	
With local MLA / MP	
With Minister in charge of prisons	
With media person(s)	
With prison officer(s)	

- 19.2. During your visit
- | | | |
|--|-----|----|
| a. Did you visit kitchen? | Yes | No |
| b. Did you visit bathrooms and lavatories? | Yes | No |
| c. Did you visit factories? | Yes | No |
| d. Did you visit sleeping wards? | Yes | No |
| e. Did you visit women's wards? | Yes | No |
| f. Did the prisoners talk to you freely? | Yes | No |
| g. Did you take inspection notes? | Yes | No |
| h. Did you write in the visitors book? | Yes | No |
| i. Did you keep a copy of the notes? | Yes | No |
| j. Did you ask for a report of action taken? | | |

20. Would you like to be reappointed as an NOV after expiry of this term?
 Yes. State reasons: _____
 No. State reasons: _____

21. Please mention at least one achievement or benefit to the prisoners that you think you were able to contribute in your time as a prison visitor:

1. _____
2. _____
3. _____

22. What major obstacle or hindrance did you face as a visitor in doing your duties as a non-official visitor?

1. _____
2. _____
3. _____

23. How do you find the situation on the following aspects? We would like to know your assessment of the following aspects.

- A. The condition of residential accommodation for male prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- B. The condition of residential accommodation for women prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- C. The situation of care of mentally sick prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- D. The situation of care of physically sick prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad

- E. Situation of barracks from the point of view of overcrowding.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- F. Situation of availability of water for drinking and bathing.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- G. Food arrangements (including kitchen, place of serving).
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- H. Conditions of toilets and bathrooms.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- I. General cleanliness in the prison.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- J. General discipline among the prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- K. Availability of library and reading rooms for education of prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- L. Vocational trainings to prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- M. Prisoners' grievance redressal system.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- N. The relationship between prisoners and prison staff.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- O. The situation of prison repairs and maintenance.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- P. The level of satisfaction among the prison staff regarding their working conditions.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- Q. The condition of residential quarters of prison staff.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad

- R. Facility of interviews for prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- S. Availability of vehicles for transport of prisoners to hospitals and courts.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- T. Availability of police guards for transport of prisoners.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- U. Condition of children accompanying women.
 Very good Good Average Needs improvement
 Intolerable Do not know Did not visit the area Very bad
- V. What games and other entertainments do the prisoners have?
 The prisoners have.....
 I do not know what the prisoners have.....




24. In your opinion, which of the following can improve the functioning of Prison Visiting System in future?


S.No	Description	Opinion	
		Yes	No
1.	NOVs should be paid honorarium either per visit or per annum		
2.	If no, should they be paid journey expenses per visit?		
3.	Should preference be given for reappointment of NOVs with experience working in prisons?		
4. a.	Should there be a minimum educational qualification for NOVs?		
b.	If yes, what should it be: Middle school pass Tenth pass Higher secondary Graduate or equivalent Post graduate or equivalent		
5.	NOVs should be appointed :		
	Only from amongst workers of political parties		
	Some from political party workers and some from others		
	None from political parties and only from among others		
6.	NOVs should be appointed from amongst experienced/retired /senior citizens with a will to work for rights of prisoners		
7.	NOVs should be appointed by the government as at present, or		
	They should be appointed on the recommendation of the State Human Rights Commission		
8.	When you visited the prison the first time, did find your name displayed at the main gate?		

25. Were you introduced to the prisoners by the jail authorities when you first visited the prisons? Yes No
26. Should NOVs be formally introduced to the prisoners and staff after appointment? Yes No
27. Do prisoners recognize you by name? Yes No
28. Do the prisoners:
- Come freely and talk to you Yes No
- Come only sometimes, but not always Yes No
- Never feel free to come to you to say anything Yes No
29. Do you think the prisoners are afraid to talk with you? Yes No
30. Did you ever visit the prison along with other NOVS Yes No
31. Do you know that the list of NOVs and names of members of Board of Visitors should be demonstrated at places commonly visited by prisoners in the jail? Yes No
32. Have you received a copy of the rules relating to appointment and guidelines of prison visitors? Yes No
33. Do you know that there is a Board of Visitors? Yes No
34. Do you know who the persons on the board of visitors are? Yes No
35. Do you know the duties of board of visitors? Yes No
36. Did you ever visit the prison along with Board of Visitors Yes No
37. Have you ever attended the meetings of board of visitors? Yes No
38. Do you know what a roaster system is? Yes No
39. Have you ever written asking the jail authorities or other related authorities to do something for the prisoners or to improve the jail conditions? Yes No
- If yes, then please state what the request was:
-
-
40. How many times have you made a report to the jail or other related authorities?
Once Twice More than 3 times More than 5 times More than 10 times.
41. Did the state government or prison department send you any response on your note?
Yes always More than half the time Less than half the time
I never had any reply from the authorities
42. Have you repeated your requests?
Yes, once more than once No, I never repeated my request
43. Have you ever received any action taken report from any authority on matters related to your requests?
Always Often Sometimes Never
44. After your visit do you write notes in and sign the visitors book to record your visit?
Yes, always No never Only sometimes
45. What matters do you pay most attention to when making your notes?
-
-

Annexure - K

// The Judicial Inspectorate of Prisons is an independent office, under the control of the Inspecting Judge, established in terms of section 85 of the Correctional Services Act 111 of 1998. The core business of the Judicial Inspectorate of Prisons is to conduct independent, efficient and effective monitoring of prisons and promote prisoners' detention under conditions of human dignity. In order to achieve this objective, the inspecting judge appoints Independent Prison Visitors (IPVs) in all prisons. The main duty of an Independent Prison Visitor is to deal with the complaints of prisoners by:

-  Regular visits to the prison
-  Interviewing prisoners
-  Recording complaints and monitoring the manner in which they are dealt with.

 Discussing complaints with the Head of Prison with a view to resolve them internally.

It is envisaged that public-spirited persons of integrity who are interested in the promotion of the social responsibility and human development of prisons will be appointed as Independent Prison Visitors. Independent Prison Visitors are appointed on contractual basis for a period of 12 months and are remunerated. ...Persons who are in the full-time or part time employment of the state i.e., public service may not apply. Proof of community work and affiliation to an NGO will add value to your nomination. //

Advertisement calling for nominations for the appointment of Independent Prison Visitors in Gauteng, Limpopo and Mpumalanga Provinces, South Africa-2000

Annexure - L

Some extracts of Prison Visiting Notes from Visitors' Book

Prison visiting notes 1

21-1-2004

12 Noon

I, Dr. Karri Rama Reddy, a non-official visitor of Central Prison, Rajahmundry made a visit to the prison today. The following are my observations and recommendations.

1. Although the buildings are very secure, those require reconstruction keeping modern ideologies in view.
2. There is minimal overcrowding. Although the facilities are available to accommodate 1400 prisoners, 1600+ are accommodated. New constructions are needed.
3. Sanitation and toilets are well maintained.
4. Drainages are old and open system ones. They require reconstruction with underground drainage facility.
5. Water is available around the clock.
6. The kitchen ware and utensils are well stored and kept in good condition.
7. The food is properly cooked in a hygienic manner under the supervision of fellow prisoners. The food is distributed according to the ration and sent to various blocks.
8. Bathing is done regularly for prisoners and they are given cleaning material for the maintenance of prison hygiene properly.
9. Proper clothing is provided for prisoners. They are given 3 pairs of clothing and one bed linen.
10. Various activities are undertaken by prisoners. Eg. Carpentry work, gardening, cooking, handicraft etc. Some are continuing their education in open university.
11. Habituals are separated from other at night. It is also recommended to separate HIV infected prisoners at night from other prisoners to prevent spread of infection through homosexual activities.
12. Criminal lunatics are regularly sent for treatment to government hospital for mental care, Visakapatnam and are in good condition.
13. Undertrial prisoners and adolescents are also separated from convicts.
14. All the cells are utilized for accommodation.
15. The services of medical staff may be regularized so as to have round the clock attention to the prisoners. More emergency drugs like snake anti-venom may be kept available in the dispensary.
16. The staff of the prison starting from the top brass to the lowest rank are taking care of the prisoners so well with dedication and their humanitarian view and zeal for reformation is exemplary. The prison needs changes in its infrastructure to suit the efficient functioning of the officers.

Sg\-

Dr. K. Rama Reddy

21/1/2004

Prison visiting notes 2

I, J. Aruna Kumari, non-official visitor, officially visited the District Jail of Mahaboobnagar on 31-5-99 at 4.00 pm. I have seen the female enclosure where there are 10 women undertrial prisoners and one female child age about one year.

The following are my observations.

1. Separate enclosure with protection for female prisoners are available. Their privacy is maintained. Two female warders are engaged on duty for them.
2. Clothing, bedding, mugs, plates, washing and toilet soaps, washing soda, coconut oil are provided to them.
3. The children are provided with ½ liters of milk for each child every morning.
4. The toilets are clean and having sufficient water. Cells of the women prisoners are very hygienic.
5. On my enquiry the female prisoners admitted that the prison authority provide sufficient cotton whenever they get their monthly course. The food provided is good and is free from insects and stones. The vegetables are also neat and sufficient.
6. On my enquiry I found that female prisoners are escorted by female constables only during court attendance.
7. I visited the kitchen and found it is clean. The food is hygienic and tasty.
8. I am requesting the jail administration to provide Aksharakiranam (literacy program of the government) to the female prisoners.
9. Almost all the eating plates are damaged. So I am requesting the authorities to provide steel plates for eating to the prisoners

Sg\-

J. Aruna Kumari

31-5-99

Prison visiting notes 3

9-10-2004

I, G.V. Kondappa, non-official visitor to Central Prison of Cuddapah visited the prison. The premises are neat and tidy. Present at the time of distribution of food to the prisoners in the blocks. The food items are good and the prisoners expressed the satisfaction on the quality of food given to them. Went around the convict block and remand blocks. The following are the representations from the prisoners. I have discussed these representations with the jailor Sri Y.K. Chandra Sekhar.

1. CT No. 9233, S. Jyotheshwar Reddy represented that he has applied for exemption from attendance to appear for 4th and 5th year courses for LLB to SV University and orders are awaited. The application from the convict has been forwarded to SV University and a reminder has also been sent on 8-10-04.
2. R.P. No. 7267 K.Parthasarathi Reddy has represented that he has not been produced in ADJ Fast Track Court, in Chitradurga in Karnataka state. The court has been addressed by the superintendent on 30-9-2004 as escort for outside the state is not provided by the SP Cuddapah.

3. R.P. No.9466 Abdul Khader, R.P. No. 9159 both from Railway Court, Guntkal, represented that they are not produced in the court. Escorts are not provided by SP Cuddapah for these courts. The superintendent has addressed SP, Railways, Guntakal to provide escort.

Except the above representations, there are no other representations from other prisoners. The problems of the prisoners to attend the courts are properly redressed by taking up the matter with the concerned authorities.

Sg/-
GV Kondappa
9-10-2004

Prison visiting notes 4

14-10-2003

During my visit Sri Venkat Ram Reddy, Superintendent was present. We went round the barracks. These are clean. In barrack 2, some fans had been removed for repairs. Superintendent informed that he would replace them within 4 days. Production before the courts is 53% for local and 56% for outside courts. This is a cause for concern. Superintendent may please bring this to the notice of SP and others.

(District Jail, Mahaboobnagar)

Sg/-
Ashok Kumar Tigidi
Principal Secretary Home.
AP.

Prison visiting notes 5

15-8-1995

Visited jail today and found it well maintained. Atmosphere is very good, the inmates looked healthy and comfortable. I wish all the staff and inmates very bright future.

Sg/-
Manmohan Singh
Collector and DM,
Nizamabad District

Prison visiting notes 6

12-1-99

Today we visited the kitchens, which are found to be clean. Interviewed the prisoners individually. Found the conditions satisfactory.

Sg/-
M.Anantha Reddy
District & Sessions Judge
Nizamabad

Prison visiting notes 7

13-5-2000

Today I visited entire jail premises. Premises is clean. I visited kitchen. I feel it requires white washing. Administration of jail is satisfactory.

Sg/-
M.S. Srihari Acharya
Non-official Visitor
Nizamabad
13-5-2000

Prison visiting notes 8

23-9-2003

Visited the District Jail, Nizamabad as part of Jail Security Review Committee meeting. Inspected the defenses of the jail and minutes are drawn.

The premises are very clean and neat . There are seapages of roof because of rain in some of the barracks.

Sg/-
Superintendent of Police
Nizamabad

Annexure - M

Questionnaire for convict prisoners

1. Name:
2. Parent's name:
3. Age:
4. Education:
5. Date of admission:
6. Prisoner's number:
7. Number of the case:
8. The date of the decision in the court:
9. Period of sentence served:
10. Possible date of release:
11. Do you know that non-official visitors are appointed for visiting prisons? Yes/No
12. Did any prison officer give you this information about appointment of some as non-official visitors in the prison? Yes/No
13. Can you name any of the non-official visitor appointed during the last two years? Yes/No
14. Did you ever submit any request/complaint to non-official visitors? Yes/No
15. Did you receive any information on the request/complaint? Yes/No NA
16. Do you agree with the following? If yes tick it or cross it.

- a. The system of prison visitors should be abolished.
- b. The system of prison visitors should continue and be improved.
- c. Number of visits by NOV's and official visitors should be increased.
- d. Number of visits by NOV's and official visitors should be reduced.
- e. NOV's should be formally introduced to prisoners.
- f. Prisoners should be informed about the functions of NOV's.
- g. Prisoners willing to meet NOV's within sight, but out of hearing of prison official should be allowed to do so.
- h. Prisoners should be allowed to make correspondence with NOV's at their own expense.

(Any other suggestion. Note any important physical and emotional response of the prisoner.)

Annexure - N

Questionnaire for undertrial prisoners

1. Name:
2. Parent's name:
3. Age:
4. Education:
5. Date of admission:
6. Prisoner number:
7. Case number:
8. Court:
9. Period spent as UT up to date:
10. Do you know that non-official visitors are appointed for visiting prisons? Yes/No
11. Did any prison officer give you this information about appointment of some as Non-official visitors in the prison? Yes/No
12. Can you name any of the non-official visitors appointed during the last two years? Yes/No
13. Did you ever submit any request/complaint to non-official visitors? Yes/No
14. Did you receive any information on the request/complaint? Yes/No NA
15. Do you agree with the following? If yes tick it or cross it.

- a. The system of prison visitors should be abolished.
- b. The system of prison visitors should continue and be improved.
- c. Number of visits by NOVs and official visitors should be increased.
- d. Number of visits by NOVs and official visitors should be reduced.
- e. NOVs should be formally introduced to prisoners.
- f. Prisoners should be informed about the functions of NOVs.
- g. Prisoners willing to meet NOVs within sight, but out of hearing of prison official should be allowed to do so.
- h. Prisoners should be allowed to make correspondence with NOVs at their own expense.

(Any other suggestion. Note any important physical and emotional response of the prisoner.)

Annexure - 0

Questionnaire for district collectors

Study of non-official visitors (NOV) of prisons in Andhra Pradesh (2002-2004)

Question-Schedule

S.No	Question	Response
1.	Do you think it would be appropriate to change Rule 26 of Prison Rules to reduce/increase the number of official visitors and to include/exclude some office bearers. Please give your suggestion, (If need be, on a separate sheet.)	
2.	Were the appointments of non-official Visitors of prisons of your district in the past two years made on your recommendation?	Yes-names recommended vide letter dated....
3.	Have you ever written to the government to restrain a non-official visitor from visiting prison on any ground? If yes, please mention the name of such non-official visitor.	1. 2. No
4.	Was a roster of visitors prepared in accordance with provisions of Rule 28(1) during the period under study?	Yes a copy of the roster enclosed No
5.	Was a board of visitors constituted in accordance with the provisions of the Rule 28(1) during the period under study?	Yes- a copy of order enclosed No
6.	Were meetings of board of visitors held during the said period?	Yes,.Times No
7.	Please benefit us with your views on the following issues: (Your views shall not be treated as official commitment and shall be used only for the purpose of this study.)	Please tick on the options:
	a. NOV system of prison deserves.	a. To be continued b. To be discontinued
	b. Should NOVs be appointed from amongst political workers only or from amongst other respectable/ senior/experienced/ citizens as well.	a. Only political workers b. Only other citizens c. Both
	c. Should NOVs be appointed by the state government or by the State Human Rights Commission and be answerable to it?	a. By the State Government b. By the SHRC

Question-Schedule

S.No	Question	Response
	d. NOVs should be paid.	a. Some amount per year b. Some amount per visit c. Local conveyance charges d. Nothings as it is social service
	e. NOVs should be given a short orientation training immediately after their appointment.	
	f. NOVs should be formally introduced to prisoners and prison staff.	a. Of 2-3 days duration b. Of 5-7 days duration c. Not necessary
	g. Any other suggestion you think would help make the NOV system of Prisons more effective and efficacious (Please use reverse of this paper or a separate sheet, if necessary).	a. Yes b. Not necessary

Annexure - P

Appointment and guidance of prison visitors

Draft of proposed amendments in rules framed under sections 59 (25) of the Prisons Act 1894 (Chapter IV of AP Prison Rules 1979)

1. Ex-officio visitors:

- (A) The following shall be ex-officio visitors of all the prisons and sub-jails in the state:
- (i) Chairperson and members of National and State Commissions for Women.
 - (ii) Chairman and member secretary of State Legal Services Authority.
 - (iii) Chairperson of AP Human Rights Committee/Commission.
 - (iv) Commissioner of Juvenile Welfare and Correctional Services.
 - (v) Director of Women and Child Welfare.
 - (vi) IG of Police (Force Deployment).
 - (vii) Director of Industries.
 - (viii) Director of Medical and Health Services.
 - (ix) Director of Technical Education.
 - (x) Commissioner of Agriculture.
 - (xi) Members of Legislative Assembly, and those nominated by the Governor under article 171 (3) (e) of the Constitution of India shall be ex-officio non-official visitors.
- (B) The following office bearers shall be ex-officio visitors of all the prisons and sub-jails falling within their jurisdiction:
- (i) Dist Sessions Judge, Additional Sessions Judge, Chief Metropolitan Magistrate.
 - (ii) Chairperson, District Legal Aid Authority.
 - (iii) Dist Magistrate and Collector.
 - (iv) Superintendent of Police.
 - (v) Chief Medical and Health Officer.
 - (vi) District Industries Officer.
 - (vii) District Probation Officer.
 - (viii) District Education Officer (dealing with adult education).
 - (ix) Chief Health and Sanitary Inspector.

2. Visits by Official Visitors:

The number of visits to be paid by official visitors in the year shall be unlimited but it shall not be less than four.

3. The appointment of non-official visitors:

- (i) The government shall appoint non-official visitors for all prisons including sub-jails in the state.
- (ii) There shall generally be eight non-official visitors for each Central Prison and Prisoners Agricultural Colonies and for each District Jail there shall be four non-official visitors. This includes two lady non-official visitors for each Central Prison and one for each District Jail.
- (iii) There shall be six lady non-official visitors for the State Jail for Women, Hyderabad and Rajahmundry and two non-official visitors, including one lady visitor for each sub-jail in the state.

Appointment and Guidance of Prison Visitors

- (iv) Government will appoint non-official visitors to all the prisons and jails on the recommendation of District Magistrate and Collectors of the concerned districts.
- (v) The non-official visitors shall be drawn from social service sector, criminal justice system, educational institutions, medical field, industries and so on.
- (vi) The District Magistrate shall, through his own sources, draw a list of potential candidates for appointment as Non-official visitors of prisons, and send them of letters of intent and soliciting their consent.
- (vii) These panels shall be forwarded directly to the Home Department for the consideration and final decision of the government.

4. The term of office and removal of non-official visitor:

- (i) Every non-official visitor shall be appointed for a period of three years, and shall be eligible for reappointment on the expiry of each term of office. Non-official visitors shall not be entitled to any daily allowance but conveyance allowance shall be paid for every visit to jail.
- (ii) Nothing in these rules shall affect the powers of government to appoint, re-appoint or revoke the appointment at any time of any person, official or non-official, as a visitor of any jail.
- (iii) The District Magistrate shall take steps to process the panel of potential non-official visitors three months in advance of the expiry of term of non-official visitors in place.

5. Training of non-official visitors:

The non-official visitors shall be imparted an orientation training of two or three days on all aspects of their assignment within one month of their appointment. Training of non-official visitors shall, inter alia, cover subjects, namely use of social resources for correctional work and conservation of human rights in custodial institutions.

6. Roster for monthly visits:

- (i) Within 30 days of the appointment of non-official visitors for various jails in a district, the District Magistrate shall call a meeting of all such Non-official visitors and in consultation with them, cause their names to be displayed on a roster of visits for each prison or sub-jail.
- (ii) It shall be the duty of the Dist Magistrate to arrange the roster for weekly visits to the jail so as to give each visitor, official, non-official and ex-officio non-official, visit the jail in the coming week. There shall not be a fixed day of the week for these visits but the visitor shall be left free to visit the jail on any working day that suits him.
- (iii) Nothing in these rules shall prevent visitors visiting the jails on dates other than those fixed by the Chairperson of the Board, but the visit should be on any working day and during usual working hours of the institution.
- (iv) A visitor who is, for any reason, unable to visit the prison according to his turn in the roster may visit it another month, provided that he informs the Officer-in-charge of the prison beforehand of his intention to do so.
- (v) Any non-official visitor who fails to visit for a period of two months shall be regarded as having vacated the office and a substitute arrangement shall be made.

7. Introduction of non-official visitors to the staff and inmates:

- (i) On receipt of information that non-official visitors have been appointed, the Superintendent of the prison shall address a letter each to all the non-official visitors, inviting them on a particular day for a formal introduction with the staff and inmates.

Appointment and Guidance of Prison Visitors

- (ii) After a formal introduction, non-official visitors shall not expect any call or invitation from the OIC of the prison for further visits.
- (iii) Non-official visitors shall generally visit prisons during day between unlocking and locking-up time.

8. Visitor to be accompanied by jail staff:

- (i) The Superintendent shall arrange that every visitor to the prison is accompanied by a responsible officer.
- (ii) The visitors shall talk to the inmates at an out of hearing distance from but in a full sight of the officer accompanying them.

9. Names of visitors to be displayed:

The Superintendent shall have a board hung up at the jail gate on which the names of all the visitors, official and non-official, as well as the roster for non-official visitors prepared by the District Magistrate, shall be noted. A list of names and addresses together with their phone numbers of all the visitors shall be displayed at prominent places within and at the place of interviews for the usage of prisoners and their visitors.

10. Duties of visitors:

- (i) It is the duty of a visitor to satisfy himself\herself that the law, rules and regulations in the management of prison and prisoners are duly carried out in the prison, to visit all parts of the prison and to see all prisoners, and to hear and inquire into any complaints the prisoners may make to him or her.
- (ii) A list of questions indicating some of the points to which a visitor may direct his or her inquiries is appended to these rules.
- (iii) An official or non-official visitor may call for all books, papers and records other than those of confidential nature, which are connected with the administration of any department of the prison.
- (iv) No visitor may issue any order or instruction to any subordinate jail officer.
- (v) Non-official visitors may not visit prisoners who are not allowed to be interviewed on medical grounds.

11. Visitors' book and visiting notes:

- (i) There shall be only one visitors' book for the use of official and non-official visitors. The book shall not be removed from the jail premises except for photocopying, with the permission of Superintendent.
- (ii) Every visitor shall, after he\she has completed the visit to jail, record in the visitors' book the date and hour of his/her visit, and may enter therein any remarks or suggestions he/she may wish to make with regard to the internal arrangement the jail or the state of discipline maintained therein. Entries shall be made in the visitors' own handwriting.
- (iii) Every visit by a non-official or official visitors or a group of visitors shall (as soon as possible, but not later than seven days) be followed by a visiting notes on every point observed. Even if the visitors have to mention brief remarks such as 'good', 'bad', 'nothing objectionable', 'no comments' etc., the point must be mentioned. This note shall be in addition to the mandatory general remarks in the visitors' book.
- (iv) The remarks recorded by the visitor in the visitors' book shall be treated as confidential and shall not be communicated to the prisoners or any one outside the jail.
- (v) The superintendent shall, within three days of the receipt of the visiting note, forward a copy of visiting note with his comments on each point and the administrative position with regard to the implementation of any suggestions made, to the Inspector General of Prisons.

Appointment and Guidance of Prison Visitors

12. Processing of visiting notes:

- (i) All visiting notes received at the prison headquarters shall be processed by a special cell within 30 days and a reply sent to the superintendent mentioning: 1. Action taken on all reasonable suggestions falling within the administrative and financial powers of the Head of the Department; 2. Reference made to the administrative department in the government on all reasonable suggestions not within the powers of Head of the Department; and 3. Reasons for disagreement on suggestions found unreasonable or not practical.
- (ii) The Superintendent of the Jail shall forward a copy of the orders from Inspector General or the Government, if any, to the visitor.
- (iii) The Superintendent shall cause these orders to be copied in brief in the visitors' book for the information of the visitors.
- (iv) The non-official visitors shall have the prerogative of writing directly to the Home Department in the Government on issues they think proper.
- (v) Non-official visitors shall also have the right to refer all instances of alleged or apparent violations of human rights or of ostensible situations leading to the possibility of such violations, to the National or State Commissions for women and Human Rights Commissions.

13. Complaints of Prisoners:

- (i) Should there be any complaint which a prisoner may make to a visitor about his own treatment or that of any other prisoner or about the conduct of any officer, or should the visitor himself observe any matter of which he feels notice ought to be taken, he should refer it to the Superintendent or if he so desires, make a representation on the matter to the Government.
- (ii) The remarks recorded by a visitor in the visitors' book should include any complaint made to him by a prisoner which in his opinion deserves notice. The visitor shall check and cross check each complaint with other prisoners and he shall satisfy himself that prima facie the complaint is true before recording it in the visitors' book.
- (iii) A complaint proved groundless later shall not attract any punishment to the prisoner who made the complaint.

14. Monitoring of visits and of action taken on visiting notes:

Monitoring of visits of both official and non-official visitors and of action taken on visiting notes shall be done at two levels- Prison Headquarters and the Home Department. Any default in following the roster of visits shall be brought to the notice of concerned District Magistrate by the office of the IG of Prisons.

15. Board of Visitors:

- (i) The official, non-official and ex-officio non-official visitors to all the prisons in the district shall constitute a Board of Visitors, of which the District Collector or in his absence Joint Collector, shall be the ex-officio chairperson.
- (ii) Official and non-official visitor shall jointly visit the prisons in the district at least once in a quarter.
- (iii) Official and non-official visitor shall pay special attention to prisoners on hunger strike and other such prisoners segregated on disciplinary grounds.
- (iv) There shall also be a quarterly meeting of the Board of Visitors on such day as the Chairperson may determine, which shall be attended by the official, non-official visitors and officers in charge of all the prisons in the district.
- (v) The District Sessions Judge, the Chairperson of District Legal Aid Committee and the Superintendent of Police may depute on this Board a surrogate, not below next in command.

Appointment and Guidance of Prison Visitors

- (vi) One of the main functions of Board of Visitors, apart from attending to the requests of the inmates and making observations on “points to be noted by the visitors” mentioned in these rules, shall be to advise and help prison administration in the development of correctional programmes by using social resources and mobilizing support from outside agencies.
- (vii) A visiting note on all aspects of prison management enumerated in the rules on “points to be noted by the visitors” shall be drawn by the District Magistrate and sent to the Superintendent of the concerned jail within seven days of the visit. The officer in charge of the jail shall forward this note, with comments on possible implementation of each point raised, to the IG of Prisons within the next seven days.
- (viii) The position regarding implementation or otherwise on each point raised or recommendation made in the note shall (after obtaining instructions from the Prison Headquarters where necessary) be communicated by the Officer in charge of the Jail to the Chairperson of the Board, with a copy each to the members, within three months of the visit, so that the Board has the clear picture of the progress on previous note before the next visit.
- (ix) In case the Chairperson of the Board has reasons to believe that any point raised has been met with undue delay or by an evasive reply, he shall communicate directly with the IG of Prisons or the Home Secretary.

16. One State Level Meeting:

One state level meeting of official and non-official visitors of all District and Central Prisons shall be held every year. This shall be chaired by the Home Minister and attended by one non-official visitor from each District and Central Prison, superintendents of all the District and Central prisons and officials of Home Department and Prisons Department. An agenda of prison improvement based on the visiting notes of various official and non-official visitors shall be prepared by the Home Department and circulated in advance for discussions at the meeting.

17. General instructions and directive principles::

- (i) When official and non-official visitors are not on visit, inmates shall at their own cost be allowed to make submissions to them regarding their needs by writing letters.
- (ii) Once in six months non-official visitors shall be asked to make an objective assessment on various aspects of the management of the prison for which they have been appointed. A format on which such assessment can be done should be developed.
- (iii) Government should institute some kind of public recognition or reward for non-official visitors of prisons for performing demonstrably excellent services in promoting correctional work.
- (iv) The most important pre-requisite of a successful social intervention in prisons is a positive relationship between prison visitors and prison staff. While it is expected of non-official visitors to demonstrate through their dedication that they are there to procure and provide a welfare oriented use of social resources in prisons, it is necessary for the prison staff to be respectful and cooperative with non-official visitors.

POINTS TO BE NOTICED BY VISITORS

1. Buildings

Are buildings secure and in good repair? Is the actual useable accommodation sufficient for the average prison population? Is the segregation of different categories of offenders, and of sick from the healthy, possible in the existing situation? Is there a proper enclosure for women inmates where they can be kept safely under custody without causing undue and unlawful discomfort?

Appointment and Guidance of Prison Visitors

2. Overcrowding

Is there any overcrowding? How many times in a year the prison becomes overcrowded and for how many days? Under such situations where are excess prisoners accommodated? What steps are being taken to solve the problem?

3. Drainage and sewerage

Is drainage and sewerage system of prison in a satisfactory state? Have all conservancy toilets changed to flush system? Is the flush system functioning? Is there sufficient supply of water to run the system in order? Is bio-degradable material clogging in drains? Are emergency toilets inside residential barracks kept clean with proper supply of water and disinfectants? What other defects exist in the system?

4. Water supply

What is the source of water supply? Are the water supply sufficient and good and the means of carriage suitable? Are drinking water wells, sumps and storage tanks cleaned with a periodicity? Is there any wastage of water resulting from defects in the supply system?

5. Food

Are articles of food in the storeroom and elsewhere properly kept and in good conditions? Are cooking utensils sufficient, clean and useable? Is the kitchen properly ventilated, clean, safe and well kept? Are rations issued in accordance with the prescribe scales for different categories of inmates? Are women inmates allowed to cook for themselves?

6. Clothing

Have prisoners the prescribe amount of clothing and bedding in their possession during different seasons of the year? Is it in serviceable order? Is the storage system correct? Are non-washable beddings properly disinfected and de-odoured?

7. Bathing

Are bathing platforms and other bathing places sufficient for the average prison population? Are bathing places for women inmates properly covered and safe? Does water supply reach bathing platforms\places? Is the source of water accessible to all prison inmates including women?

8. Labour

Are prison industries in proper running condition? Is the supply of raw material perennial? Are machines and tools in proper working condition? Is full task taken from each prisoner eligible to work and is the record of 'work done' properly kept? Are prescribe wages paid and accounted for?

9. Discipline

Do inmates exhibit confidence in the prison staff? Are inmates and their living places properly and periodically checked for contraband?

Appointment and Guidance of Prison Visitors

10. Punishment

Is the ratio of prison punishments unduly high? Is there any instance of unlawful or torturous punishment not prescribed under rules? Are all punishments properly recorded? Are all procedures of enquiry followed before determining the prison offence and punishments for inmates?

11. Under-trial Prisoners

Is the 'Undertrial prisoners Review Committee' performing its functions with prescribed periodicity? Are cases of UTs scanned in accordance with court rulings? Is free legal aid accessible to deserving prisoners? Is there proper facility for undertrial prisoners to meet their lawyers? Are they regularly produced before respective courts on the date of hearing? Is sufficient police guard available for the purpose?

12. Adolescents

Are all adolescent prisoners of age ranging from 18 to 21 sent to the Borstal School of Nizamabad?

13. Medical Care

Is a medical professional readily available on call for the care of sick? Are medicines available when needed and on time? Is 'in-door medical care' readily available either in the prison or in a general hospital/dispensary? Are services of women medical professional available in prisons where women inmates are in sufficiently large number? Are mentally sick criminal prisoners getting regular and appropriate psychiatric treatment?

14. Parole

Is parole liberally granted to all eligible convicts? Are cases of second or subsequent parole subjected to less stringent scrutiny than the first? Does the viewpoint of police and district administration on parole exhibit the understanding that this facility is of great importance in the social adjustment and assimilation of offenders?

15. Advisory Board Meetings

Are meetings of Advisory Board held regularly to review cases of premature release, particularly those of lifers? Is there any lifer whose case has not be put up before the Board even after completion of seven years of imprisonment?

16. Conservation of Human Rights

Is there any instance of violation of human rights or of the residuary rights of prisoners? Is there any case that needs attention of National or State Human Rights Commissions? Is there is any ostensible situation that may lead to the possibility of general or specific violation of such rights of persons in custody?

17. Rehabilitation Programmes

Are programmes of academic, vocational education taken up in the prison? Are services of credible voluntary organizations taken for the purpose? Are open camps being utilized to their full capacity? Are inmates exposed to the outside world through print or electronic media? Is there any facility for games, sports or any other healthy engagement?

18. Infants with women inmates

Are infants living with women offenders taken care of properly? Can their nutrition, dress, education, and entertainment be supplemented by any benevolent non-governmental agency?

19. Redress of grievances

Is there an established system of redress of grievances of inmates? Is the mandatory 'grievance box' kept and operated regularly? Are prisoners free to put up their difficulties to prison officials?

Annexure - Q

List of prison visited for study

Central Prisons	:	Visakapatnam, Rajahmundry, Kadapa, Nellore, Warangal, and Cherlapally.
District Jails	:	Anantapur, Nalgonda, Karimnagar, Asifabad, Mahaboobnagar, Nizamabad and Sangareddy.
State Jail for Women	:	Hyderabad and Rajahmundry
Prisoners Agriculture Colonies	:	Anantapur and Hyderabad

Endnotes

- ¹ See annexure A.
- ² See annexure B.
- ³ In legal parlance they are known as non-official visitors. In this report the words, non-official visitors, lay visitors and prison visitors are interchangeably used and therefore all of them refer to the same meaning. Other categories of visitors are specified.
- ⁴ For a detailed description of the methodology followed in the study, please refer the addendum in annexure C.
- ⁵ In fact, all persons confined in prisons are considered in judicial control or custody. In reflection of this fact, all the remand prisons in the state are directly administered by judiciary. The process of bringing them under executive control is not yet completed.
- ⁶ According to 2003-2004 year ending accommodation figures (See Annexure E).
- ⁷ As on June 30, 2004.
- ⁸ Held on 21 August 2004.
- ⁹ Held on 15 November member 2004.
- ¹⁰ As on 28 May 2005.
- ¹¹ As on 11 June 2005.
- ¹² Government Order Ms. 317, Home Department, dated 16 October 1999.
- ¹³ As on 19 February 2005.
- ¹⁴ Rule 1110, Prison Rules 1979. The book of Prison Rules 1979 is also known as Prison Manual.
- ¹⁵ *In Rama Murthy Vs state of Karnaka* (1997) 2 SSC 642.
- ¹⁶ See annexure D.
- ¹⁷ Section 6 of the Prisons Act, 1894 stipulates that there should be a medical officer for every prison. Rule 56 of the Prison Rules says that the medical officer of the district or town is normally appointed to be the medical officer to the jails. This is only a visitorial position.
- ¹⁸ Rule 78 (1), Prison Rules 1979.
- ¹⁹ Rules 74 (1)(b) and 74 (2) , Prison Rules 1979.
- ²⁰ As they are to function under the control of Prison Superintendents and are debarred by the Prison Rules from private practice as per Prison Rule 70 (3).
- ²¹ As of December 2005.
- ²² Doctors from Primary Health Centres are expected to make four visits in a month to the sub-jails of the town. They are paid Rs. 350 a month by the prisons department. The DMHS provides them Rs. 150 as prison visiting allowance, which is not often claimed to shirk the responsibility. These incentives are not adequate by any standards.
- ²³ World Health Report (2001) *Mental Health: New Understanding, New Hope*, Geneva, World Health Organisation.
- ²⁴ World Health Organization (2001) *Atlas:Country profiles on mental health resources* Geneva, World Health Organisation.
- ²⁵ Office of the Deputy Prime Minister (2002) *Reducing re-offending by ex-prisoners*, London, pp.23-23.
- ²⁶ Section 4b(ix), Right to Information Act, 2005.
- ²⁷ Section 379, Indian Penal Code, Act XLV of 1860.
- ²⁸ *Common Cause, A registered society Versus Union of India* AIR 1996 SC 1619.
- ²⁹ Circular of High Court of Andhra Pradesh, ROC No: 5642/OP CELL-E/2003.
- ³⁰ Report of the Indian Jails Committee 1919-20, page 515.
- ³¹ The District Collector & Magistrate is the head of all the district administration and therefore all the departments in the district come under his or her general control and supervision. In this document he or she is referred to as "District Collector."
- ³² The reason for this could be that most of the prison officials feel that political interference into prison administration should be completely avoided. While accepting issues involved in it, we have to think whether it is desirable in democracy to avoid political interference completely?
- ³³ Rule 27(1), Prison Rules 1979.
- ³⁴ Rule 27(3), Prison Rules 1979.

- ³⁵ Rule 27(4), Prison Rules 1979.
- ³⁶ The draft of the revised Prison Rules provides for travel allowance or free conveyance to visit to prisons
- ³⁷ Rule 31(1), Prison Rules 1979.
- ³⁸ Rule 28 and 29, Prison Rules 1979.
- ³⁹ Rule 28(1), Prison Rules 1979.
- ⁴⁰ Rule 29 (2), Prison Rules 1979.
- ⁴¹ Rule 29 (3), Prison Rules 1979.
- ⁴² Rule 29 (1), Prison Rules 1979.
- ⁴³ Section 12, Prisoners Act, 1894.
- ⁴⁴ Rule 28(4), Prison Rules 1979.
- ⁴⁵ Rules 29(3), 30(1), Prison Rules 1979.
- ⁴⁶ Rule (31(2)), Prison Rules 1979.
- ⁴⁷ Section 12, Prisons Act, 1894.
- ⁴⁸ Rule 31(1), Prison Rules 1979.
- ⁴⁹ Rule 32, Prison Rules 1979.
- ⁵⁰ Reported in (1980) 3 Supreme Court Cases 488.
- ⁵¹ *Sunil Batra (II) Vs Delhi Administration*, Reported in (1980) 3 Supreme Court Cases 488.
- ⁵² Central Prisons of Warangal, Kadapa and Visakapatnam.
- ⁵³ Rule 26, Prison Rules 1979.
- ⁵⁴ An entry in the Prison Visitors' Note by a non-official visitor, D. Amarendra Raju, in Nalgonda District Jail dated 5 December 1988 was the oldest one found. Another entry by a non-official visitor, Bheemaiah Jagini, on 20 December 1988 can be found in the same jail.
- ⁵⁵ As on 10 June 2005.
- ⁵⁶ Some of the visitors, used the term "jurisdiction" it while referring to powers of the local Members of the Legislative Assembly.
- ⁵⁷ Mr Tummidi Ram Kumar.
- ⁵⁸ Smt Sesha Rajaym of Hyderabad.
- ⁵⁹ Dr Akbar of Anantapur.
- ⁶⁰ Dr Shyamala Chisti of Visakapatnam.
- ⁶¹ Ms Batchu Rama Devi, and Smt. Sesha Rajyam.
- ⁶² Sirimalla Aruna and Sai Prasad, Dr. Akbar.
- ⁶³ Mr GV Kondappa.
- ⁶⁴ Mr Thim or herma Reddy.
- ⁶⁵ Dr Karri Rama Reddy.
- ⁶⁶ G.V. Kondappa.
- ⁶⁷ Smt Vimala Acharya.
- ⁶⁸ Sister Alice Crasta.
- ⁶⁹ Dr Jayanth Deshmukh.
- ⁷⁰ Smt Tanniru Jayaprada.
- ⁷¹ Rule 28(1), Prison Rules 1979.
- ⁷² The researcher arrived at this conclusion on the basis of free access to prisoners selected randomly; the length of stay of prisoners interviewed, the frequency of visits by non-official visitors, the recorded evidence in the prison visitors' books and finally interaction of prisoners with researcher.

CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. In addition to its broad human rights advocacy programme, CHRI advocates for access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

Human Rights Advocacy: CHRI makes regular submissions to official Commonwealth bodies and member governments and when needed, conducts fact finding missions. Since 1995, CHRI has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit also ensures that human rights issues are in the public consciousness.

ACCESS TO INFORMATION

Right to Information: CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity, as well as advocating with policy makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India and provides legal drafting support and inputs in Africa. In the Pacific, CHRI works with regional and national organisations to catalyse interest in access legislation.

Constitutionalism: CHRI believes that constitutions must be made and owned by the people and has developed guidelines for the making and review of constitutions through a consultative process. CHRI also promotes knowledge of constitutional rights and values through public education and has developed web-based human rights modules for the Commonwealth Parliamentary Association. In the run up to elections, CHRI has created networks of citizen's groups that monitor elections, protest the fielding of criminal candidates, conduct voter education, and monitor the performance of representatives.

ACCESS TO JUSTICE

Police Reforms: In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: The closed nature of prisons makes them prime centres of violations. CHRI aims to open up prisons to public scrutiny by ensuring that the near defunct lay visiting system is revived.

Judicial Colloquia: In collaboration with INTERIGHTS, CHRI has held a series of colloquia for judges in South Asia on issues related to access to justice, particularly for the most marginalised sections of the community.



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