



November 28, 2018

JAIL MAIL: KEY TO TRANSPARENCY: CHRI'S GUIDEBOOK ON RTI AND PRISONS

"No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones."

-- Nelson Mandela

Dear friends,

Greetings from CHRI!

In October this year, we completed 13 years of having ushered in a progressive law, the Right to Information Act (RTI), 2005, which empowered Indian citizens to seek access to vital information necessary for the democratic functioning of our nation.

The Act was passed to promote greater transparency and accountability of public authorities, with the view to enhance democratic freedoms, which are, in more ways than one, dependent on the freedom of information between the governments and the governed. The RTI Act gave the common man the ability to access information about the decisions taken by public servants, which, in turn, continues to nudge these officials to take decisions in the best interest of the public.

A high proportion of Indian prisoners come from socio-economically disadvantaged parts of the society. As a result, they are usually less educated, dependent on the state and frequently deprived of resources for self-protection. Upholding their human rights, thus, takes on even greater significance. As government bodies, prison departments should also be subject to scrutiny and accountability. However, to this day, prisons remain closed institutions with hardly any information about its functioning and performance made available in the public domain. The RTI Act can change this, but awareness regarding these provisions, especially for prisoners or their relatives, is woefully inadequate.

We, at the Prison Reforms programme at CHRI, have consistently used the RTI Act to collect and analyse information on prisons. Based on our experiences, and with the goal of assisting prisoners, researchers, academicians, civil society organisations, media and other interested members of the society, CHRI has prepared a guidebook, *Key to Transparency: Your Guide to Using the Right to Information Act 2005 to collect information on Prisons*. The guidebook provides basic information on filing RTI requests, as well as step-by-step guides on the processes and procedures that one must be aware of while filing such requests to receive information on prisons. It also includes a database on relevant public information officers (PIOs), sample applications and a basic guide on the kind of information that can be sought from authorities.

A copy of the publication can be downloaded [here](#). We will soon also bring out this guidebook in Hindi and other regional languages. If you would like to assist us in the translation, we would be happy to collaborate with you.

SOME BASIC QUESTIONS ANSWERED

Can a prisoner can seek information to protect his human rights through RTI in India?

Yes, a prisoner, who is a citizen of India, can seek information using the RTI Act 2005. He cannot be prevented from filing applications. Additionally, for prisoners who do not have a proper source of income, they may be supplied information under RTI for free.

In what other ways can RTI be an aid in prisons and for prisoners?

The prison system and prisoners can benefit from RTI in the following ways:

- 1. Offering information on prison conditions:** Anyone can seek information about the facilities provided to them in the prison. Recently, Tihar jail inmates sought [some interesting information under RTI*](#)
- 2. Offering other information:** Inmates can also seek information that is unrelated to prisons. On October 15, 2012, [an under-trial prisoner sought information*](#) about a complete list of Stock Exchanges of India, their procedure manuals, and guidelines, among other things,
- 3. Offering information on jails:** RTIs can be handy in providing information on the administration of the prisons. One can seek information about overcrowding in jails, their conditions, staffing, budget allocation, etc., while also serving to keep a check on the quality of jail administration. Various civil societies and activists address the incautious behaviour of jail authorities by using information acquired through RTI to protect the rights of inmates. For example, RTI data suggests that between the 2014 and 2017, [64 inmates lodged in various jails of Uttar Pradesh escaped*](#), though 30 were arrested and sent back to jail,
- 4. Paving the way for justice:** In many cases, RTIs have proven useful for getting justice for both undertrials and convicts. RTIs can reveal facts and evidence that may help the inmates. For example, in August, 2014, Vinayak -- who was lodged in Tumkur District jail as an undertrial for the last three years, three months and 14 days for an offence which attracts no more than three years of imprisonment -- was [released by the efforts of Amnesty International*](#) based on an RTI filed by the organisation.

****please click on the links further information***

Points to keep in mind while drafting an RTI application:

1. The application can be handwritten or typed in English, Hindi or a local language
2. There is no prescribed format for filling an RTI application to Central government public authorities and State government public authorities, apart from some states (Arunachal Pradesh, Bihar, Dadra and Nagar Haveli, Daman and Diu, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Lakshadweep, Maharashtra, Mizoram, Odisha, Sikkim, Tripura, Uttar Pradesh)
3. The applicant must clearly identify the department of the public authority to which they wish to make an RTI application. The application is to be addressed to the respective Central/State public information officer (PIO)
4. The application must include the applicant's name and mailing address
5. The application must be drafted properly and the applicant should ensure that the PIO understands the application.

What you can do?

1. Circulate this guidebook widely to individuals or organisations who would benefit from it
2. File RTIs on prison related issues to assist in the monitoring and functioning of legal aid and prison oversight mechanisms in prisons in your district/state
3. Write to us if you want physical copies of the guidebook for your use, community library or further dissemination
4. Help us translate the document in regional languages

Write to us at chripisonsprog@gmail.com with your comments and suggestions. Please send us an email if you wished to subscribe to these updates.

Best Regards,
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About *Jail Mail*

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

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

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom and Accra, Ghana. CHRI works for the practical realisation of human rights across Commonwealth countries. It has specialised in the areas of Access to Justice (Police and Prison Reforms) and Access to Information for over two decades. It has special consultative status with the UN Economic and Social Council and is recognised for its expertise by governments, oversight bodies and civil society. It is registered as a society in India.

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

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