

No. 913/WBHRRC/COM/731/14-15
From : Shri Sujay Haldar
O.S.D. & E.O. Spl. Secy.

DRAFT

Dr. 16/2/15

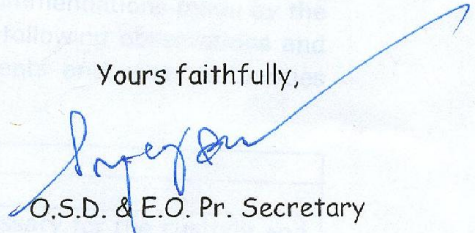
To : The Addl. Chief Secretary
Jails Deptt.
Govt. of West Bengal
Nabanna, 325, Sarat Chatterjee Road,
P.S. Sibpur, Dist. Howrah - 711 102.

Sir,

As desired by the Commission, I am directed to enclose herewith a copy of the recommendations on 'Prison Reforms-2014' as sent by the National Human Rights Commission which will speak for itself. This is forwarded to you for your kind information and taking necessary action.

Kindly acknowledge the receipt.

Yours faithfully,


O.S.D. & E.O. Pr. Secretary

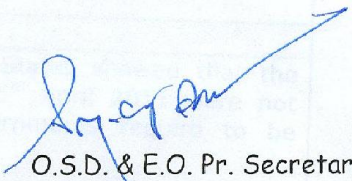
Encl: As above.

No. 913(1)/WBHRRC/COM/731/14-15

Date: 16/02/15

Copy forwarded for information & taking necessary action :-

The Addl. Director General of Prisons, West Bengal.


O.S.D. & E.O. Pr. Secretary

National Human Rights Commission
NATIONAL SEMINAR ON PRISON REFORMS 2014

RECOMMENDATIONS

A National Seminar on "Prison Reforms" was organized by the National Human Rights Commission on 13th and 14th November, 2014 at New Delhi as a sequel to the National Seminar on "Prison Reforms" organized by the NHRC on 15th April, 2011. The main objectives of this Seminar were to conduct a review and assessment of the action taken by the different Governments on the recommendations of the previous Seminar of 2011 and to study and discuss certain identified issues. Such identified issues included:-

- (i) Need for amendment of Prisons Act, 1894 in the light of related Supreme Court judgements and International Conventions/Covenants.
- (ii) Need for amendment of Prison Manual / Prison Rules in the light of related Supreme Court judgements and International Conventions / Covenants.
- (iii) Manpower shortage in prison administration and working conditions of prison officers.
- (iv) Modernisation of Prisons as part of the reformatory process.
- (v) Problems relating to undertrial prisoners languishing in prison indefinitely.
- (vi) Health (including mental health), sanitation and hygiene in prisons.
- (vii) Infrastructure issues relating to prisons.
- (viii) Welfare measures for prisoners and their families.
- (ix) Issues affecting women prisoners and their children kept in prisons.

During the deliberations in the Seminar, several suggestions / proposals / recommendations were made and they were recorded and taken note of by the Commission. In the light of the suggestions, proposals and recommendations made by the participants in the Seminar, the Commission has approved the following observations and recommendations to be forwarded to the respective Governments and other authorities concerned:-

S.No.	RECOMMENDATIONS
PERCEPTION	
1	As part of the criminal justice system, prisons are necessary for the custody and care of persons charged with or convicted for criminal offences. But the main objective of such custody and care should be correction and reformation of the prisoner and to prepare him for rehabilitation and reintegration in the society after his release. The prison should be perceived as a "Home for Corrective and Reformatory Custody and Care" and a prisoner should be allowed to exercise and enjoy all human rights within the limitations of imprisonment. (Action: State Home Secretaries/DGPs/IGPs)
REVIEW	
2	The Action Taken Reports submitted by the various States showed that the recommendations of the National Seminar held on 15 th April 2011 were not completely implemented and hence the State Governments require to be reminded about it again. (Action: State Home Secretaries/DGPs/IGPs)

LEGISLATIVE ACTION

3	<p>The Prisons Act 1894, being very old, contains archaic provisions some of which are no longer relevant. Hence, it requires drastic changes. The NHRC shall constitute a Committee of Experts to suggest amendments to the Prisons Act 1894, to make it conform to human rights norms, Supreme Court judgements and International Conventions / Covenants binding on India.</p> <p>(Action: NHRC)</p>
4	<p>There is need for uniformity in the Prison Manuals / Prison Rules followed in the States and Union Territories. The Government of India should take steps to suitably amend the Model Prison Manual which was drawn up in 2003, to ensure that it is in conformity with human rights norms, Supreme Court judgements and International Conventions / Covenants binding on India.</p> <p>(Action: MHA)</p>
5	<p>The States shall also prepare or suitably amend their Prison Manuals / Rules to make them conform to human rights norms, Supreme Court judgements and International Conventions / Covenants binding on India.</p> <p>(Action: State Home Secretaries)</p>
6	<p>Since 'Prisons' is a State subject, apart from the funds which would be provided by the Central Govt. towards modernization of prisons in the proposed Second Phase, the State Governments should take steps for ensuring adequate allocation of funds towards improvement of prisons.</p> <p>(Action: State Government)</p>
OVER CROWDING	
7	<p>A major problem faced by many of the States is overcrowding in the prisons. The reasons for such over-crowding include :</p> <ol style="list-style-type: none">Absence of adequate number of jails;Presence of too many undertrial prisoners in the jails;Failure to produce the undertrial prisoners before the court for want of escorts;Failure to invoke the provisions of Section 436A of the Cr.P.C. to release the undertrial prisoners who have undergone detention for a period extending upto one-half of the maximum period of imprisonment specified for the offence charged with.
8	<p>Hence the Governments concerned shall construct more number of jails wherever necessary.</p> <p>(Action: State Government)</p>
9	<p>The Government should give necessary directions to the police authorities concerned to provide the required number of escorts for producing the undertrial prisoners before the court, when their cases are posted.</p> <p>(Action: State Government)</p>
10	<p>The Superintendent of the jail shall promptly report to the police / public prosecutor / court cases covered by section 436A of Cr.P.C.</p> <p>(Action: State Government)</p>

11	As many number of courts and jails as possible shall be connected through Video Conferencing for the purpose of court proceedings without the physical production of the undertrial prisoners. This may be done first in the case of Central Jails and the District Jails and thereafter in the sub-jails over a total period of 5 years. (Action: State Government)
12	The State Governments shall take necessary steps to constitute a District Level Undertrial Review Committee comprising the District & Sessions Judge, District Superintendent of Police, the Superintendent of the Jail concerned, the Public Prosecutor and the Secretary of the District Legal Services Authority. The District & Sessions Judge shall be the Chairman of the Committee. The Undertrial Review Committee shall meet at least once in three months and review the implementation of the recommendations at Para 7 to 10 above. (Action: State Government)
PRISONERS OF FOREIGN NATIONALITY	
13	It was reported that many foreign nationals are detained in the prisons even after completing their terms of sentence on the ground that there is delay in deporting them. Such detention is a violation of their human rights. Hence, it was recommended that on completion of their terms of sentence, the foreign nationals shall be shifted from the prison to detention centres set-up for the purpose. (Action: State Government)
PRISON ADMINISTRATION	
14	An effective Grievance Redressal System shall be put in place in every jail and it shall be periodically monitored by the Inspecting Judicial Officers. It was specifically suggested that a "Complaint Box" shall be installed in every barrack and it shall be periodically opened only by the Inspecting Judge who shall take necessary action to redress the grievance. (Action: State Home Secretaries/DGPs/IGPs)
15	CCTV cameras and alert systems should be installed in the jail and these devices should be properly monitored by setting up a control room. The data of the CCTV and alert system should be preserved for a specified period. (Action: State Home Department)
16	An effective system for E-governance of prisons shall be set up within two years. All prison records must be digitized and data bank in respect of all the prisoners must be maintained and updated regularly. (Action: State Home Secretaries/DGPs/IGPs)
17	In the case of undertrial prisoners, the data entered at the time of entering the prison should include nature of offence, maximum period of imprisonment prescribed for the offence and the date on which the half way mark of the said period will be reached. The data should be made accessible to the undertrial prisoner. (Action: State Home Department/DGPs/IGPs)
18	Every Central and District Jail must develop its own website within two years and all the essential and relevant information relating to the prisoners and the staff shall be available on the website. (Action: State Home Department/DGPs/IGPs)

19	<p>A charter of rights and duties of prisoners shall be prepared in multiple languages including the local language and shall be notified on the Notice Board and copy of the same shall be made available to the prisoner at the time of his entering the prison.</p> <p>(Action: State Home Department/DGPs/IGPs)</p>
20	<p>When prisoners are taken to courts located at long distances, they are not provided with food in the absence of budgetary allocation for food allowance for this purpose. The State Governments shall therefore ensure that necessary budgetary allocations are made to provide for food allowances on such occasions.</p> <p>(Action: State Home Department/DGPs/IGPs)</p>
21	<p>In addition to providing common televisions for the use of the prisoners, they shall be encouraged and motivated to organize and participate in educational, literary, cultural, spiritual and outdoor programmes which will help their physical and mental development. Wherever possible Yoga practice may be included in the daily schedule of the prisoners.</p> <p>(Action: State Home Department/DGPs/IGPs)</p>
22	<p>It was observed that regular visits by the Board of Visitors and the effective functioning of the Board can enhance the welfare of the prisoners and the protection of their human rights. However, it was noted that Board of Visitors has not been constituted in many of the States and Union Territories. Therefore it was recommended that a Board of Visitors shall be constituted for each prison and the Board shall periodically visit the prison to review and advise the prison authorities regarding infrastructure facilities, extent and quality of training and correctional work, and proper management of the prison in accordance with the Prison Rules / Manual.</p> <p>(Action: State Home Department/DGPs/IGPs)</p>
23	<p>There should be a separate cadre of Prison and Correctional Service to which regular appointments should be made from persons possessing qualifications like Sociology, Psychology, Criminology, Law, Social Work etc., instead of appointing persons from other Services on deputation.</p> <p>(Action: State Home Department)</p>
24	<p>Members of the Prison and Correctional Service shall be given a holistic training to equip them to administer the prison as a "home for corrective and reformatory custody and care".</p> <p>(Action: State Home Department/DGPs/IGPs)</p>
25	<p>More training institutes for the administrative staff of prisons should be set up to enable the staff from all regions to get adequate and effective training.</p> <p>(Action: State Home Secretaries /DGPs/IGPs)</p>
26	<p>Considering the reported shortage of personnel to administer the prisons, a staff-prisoner ratio of 1:6 was suggested. The Commission recommends that this suggestion may be considered and additional staff should be sanctioned and appointed wherever necessary. At any rate, the existing vacancies should be filled up immediately.</p> <p>(Action: State Home Secretaries)</p>

27 Convict prisoners must be categorized into different groups on the basis of type of offence, age of convict, duration of imprisonment etc., for the purpose of conducting programmes for reformation, rehabilitation and subsequent re-integration in the society.

(Action: State DGPs/IGPs)

WOMEN PRISONERS

28 It is desirable to have separate prisons for women prisoners. The separate prison or the Female ward / enclosure of a common prison, shall cater to the gender specific needs, especially needs relating to health, hygiene and sanitation, of women prisoners and shall be administered by the female staff.

(Action: State Home Secretaries /DGPs/IGPs)

29 Female doctors and counsellors should be available in every jail having women prisoners.

(Action: State DGPs/IGPs)

30 Facilities like crèche and play school may be provided in or near the jail premises for the benefit of the children who are with the women prisoners. The help and cooperation of social workers / NGOs can be taken in this regard.

(Action: State Government)

SKILL DEVELOPMENT AND CAPACITY BUILDING

31 There should be programmes for skill development and capacity building of the prisoners. The Public Private Participation (PPP) Model must be encouraged. Industrial and manufacturing units started in the prisons should be primarily driven by the motive of skill development and capacity building, rather than earning profits.

(Action: State Home Secretaries /DGPs/IGPs)

32 To the extent practicable, prisoners should be allowed the liberty to choose the field of their choice in the matter of skill development and capacity building.

(Action: State Home Secretaries /DGPs/IGPs)

HEALTH CARE OF PRISONERS

33 Right to Health is an important human right of the prisoners, in view of their custodial status and the limited medical facilities available in the prison. Hence, the State has the responsibility to provide adequate manpower and equipments for effective medical treatment of the prisoners.

(Action: State DGPs/IGPs)

34 There should be at least one resident doctor within the jail premises, to be available at all times.

(Action: State Home Secretaries /DGPs/IGPs)

35 Arrangements should be made for regular visit of specialist doctors to treat the prisoners.

(Action: State DGPs/IGPs)

36 To facilitate better health care, tele-medicine system should be set up with the cooperation of local medical colleges or multi-speciality hospitals.

(Action: State DGPs/IGPs)

Handwritten note:
also.

37	In the light of the guidelines issued by the National Aid Control Organisation, special measures should be taken to deal with HIV positive prisoners, balancing the right of privacy of a HIV positive prisoner and the health concerns of other prisoners. (Action: State DGPs/IGPs)
38	The Prison Administration should conduct special de-addiction programme for prisoners addicted to alcohol, drugs, narcotics and other forms of substance abuse. The cooperation of Social Workers / NGOs can be taken for the purpose. (Action: State DGPs/IGPs)
39	Persons with mental illness who cannot be detained in prison under the law, shall not be detained in prison. Arrangements shall be made to provide special treatment to such prisoners till their release or transfer to a mental health establishment. (Action: State DGPs/IGPs)
40	It was observed that the present health check-up conducted at the time of admission of the prisoner, is basic in nature and hence there is need for a more comprehensive health check-up covering also contagious diseases and life style diseases like diabetes, hyper tension and ailments of the heart. The diagnostic tests which could not be conducted at the time of admission for practical reasons should be conducted immediately thereafter. (Action: State Home Secretaries /DGPs/IGPs)
41	Medical equipments like X-ray and ECG and the required technicians to operate them shall be provided to all the Central Prisons and if possible to the District Jails. (Action: State Home Secretaries /DGPs/IGPs)
42	A well-equipped Pathology Lab alongwith requisite manpower should be provided to the Central Jails and the District Jails in a phased manner. (Action: State Home Secretaries /DGPs/IGPs)
SANITATION AND DRINKING WATER	
43	The prisoners have the right to be provided with clean potable water and therefore, adequate water treatment facilities should be installed in every prison. (Action: State DGPs/IGPs)
44	It was observed that most of the prisons do not have adequate number of toilets and that even some of the existing toilets are not in usable condition. It was recommended that provision should be made for adequate number of toilets and their cleanliness and maintenance. (Action: State DGPs/IGPs)
45	Considering the presence of aged or physically disabled prisoners who cannot use Indian-style toilets, it was recommended that a few western-style toilets shall be constructed in each barrack. Action: State DGPs/IGPs
ENVIRONMENTAL ISSUES	
46	The Kerala model of channelizing Solar Energy to bring down carbon dioxide levels within the prison premises may be replicated in other States also. Apart from being eco-friendly, it cuts down the expenditure on cooking gas. Solar

	Energy can be used for power back up in prisons by using solar batteries. (Action: State Home Secretaries /DGPs/IGPs)
47	Steps should be taken for installation of bio-gas digesters in prisons for recycling of human waste into fuel that can be used for heating and lighting purposes and also can be used as manure. (Action: State Home Secretaries /DGPs/IGPs)
48	As far as practicable, there must be provision for rain-water harvesting. (Action: State DGPs/IGPs)
49	Provision should be made for recycling waste water for being used for agriculture, cleaning, washing etc. (Action: State DGPs/IGPs)
REFORMATION	
50	It shall be the duty of the prison administration to conduct special programmes for the correction and reformation of the prisoners so that the prisoner undergoes a change of heart or transformation during the period of imprisonment and prepares himself for re-integration in the society after his release. The prison administration can enlist the cooperation and services of NGOs and civil society institutions in this regard. (Action: State Home Secretaries /DGPs/IGPs)
REHABILITATION	
51	There is dearth of data relating to the conditions of the released prisoners, the extent of their reformation, rehabilitation and reintegration in the society after release from the prison. No formal and scientific study has been conducted on the subject. Hence, it was recommended that the NHRC should conduct a study on the condition of the released prisoners and their experience when they try to reintegrate in the society. (Action: NHRC)
NGOs and Social Workers	
52	The important role being played by the NGOs, Civil Society Institutions and Social Workers in the process of reformation and rehabilitation of the prisoners was recognized and appreciated. It was recommended that the prison administration should make better use of the NGOs, Civil Society Institutions and Social Workers for strengthening the efforts for reformation and rehabilitation of the prisoners. (Action: State DGPs/IGPs)