

LOOKING INTO THE HAZE

A Study on Prison Monitoring in India



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CHRI Headquarters, New Delhi
55A, Third Floor
Siddharth Chambers - 1
Kalu Sarai, New Delhi 110 016
India
Tel: +91 11 4318 0200
Fax: +91 11 2686 4688
E-mail: info@humanrightsinitiative.org

CHRI London
Room No. 219
School of Advanced Study
South Block, Senate House
Malet Street, London WC1E
7HU, United Kingdom
Tel: +44(0) 207 664 4860
Fax: +44(0) 207 862 8820
E-mail: chri.admin@sas.ac.uk

CHRI Africa, Accra
House No.9, Samora Machel Street
Asylum Down, Opposite Beverly
Hills Hotel Near Trust Towers,
Accra,
Ghana
Tel/Fax: +233 302 971170
Email: chriafrika@humanrightsinitiative.org

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A National Study on Prison Monitoring in India

Written by

Mrinal Sharma

Edited by

Maja Daruwala & Sana Das

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ACRONYMS

BOV - Board of Visitors

NOV - Non-Official Visitors

OV - Official Visitors

NCRB - National Crime Records Bureau

PSI - Prison Statistics India

MHA - Ministry of Home Affairs

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EXECUTIVE SUMMARY

A PRISONER DIES EVERY $5\frac{1}{2}$ HOURS

MUSLIMS, SCHEDULED CASTES AND SCHEDULED TRIBES ARE ALWAYS OVERREPRESENTED

3 TIMES MORE MENTALLY ILL PRISONERS AND 61% MORE WOMEN PRISONERS THAN 15 YEARS AGO

597 CORRECTIONAL STAFF FOR 1401 PRISONS

70% PRISONERS EITHER ILLITERATE OR STUDIED BELOW 10TH STANDARD

1 PSYCHIATRIST/PSYCHOLOGIST FOR EVERY 23000 PRISONERS

SUICIDE RATE 1.5 TIMES HIGHER INSIDE THAN OUTSIDE

SOME JAILS HAVE 400% OVERCROWDING

INNOCENTS OUTNUMBER THE GUILTY 2 TO 1

ANNUAL NATIONAL CRIME RECORD BUREAU FIGURES ARE NOT GETTING SIGNIFICANTLY BETTER. THEY CONTINUE POINTING TO THE EVERYDAY MISERY AND WRETCHEDNESS OF LIFE IN PRISON FOR BOTH INMATES AND STAFF. IT UNDERLINES THE ABSENCE OF ANY SYSTEM OF SUPERVISION BY THE PRISON ADMINISTRATION AND THE MINISTRIES IN CHARGE.

This report is intended to signal the necessity of obeying the statutory imperative of having an effective, functional and fully constituted Board of Visitors in place and its value in stemming the neglect of the rights and living conditions of the incarcerated.

EXECUTIVE SUMMARY

All state institutions require monitoring. Closed ones even more so. Letting the outside in is particularly essential in prisons where the state has complete control over the lives of those who have lost their liberty. The prison visiting system, comprised of official and civilian visitors, is the oversight mechanism that lets the outside in. It serves as a check on oppression and violations by authority and as a means to ensure there is some independent scrutiny of the conditions of the imprisoned whose access to means of assistance, available to the free, is stringently controlled.

Recommended in 1836 by the First Reform Committee and later by the Cardew Committee in 1919 as being essential for the “observation of rules of the Prisons Act and prisons and highlighting the abuses” the system was incorporated into the Prisons Act, 1894. As prisons are state subjects, Section 59(25) required all states to lay down rules for “appointment and guidance of visitors of prisons”, in their respective prison manuals. Today every state law, with some variations, incorporates the Prison Visiting System comprising a Board of Visitors.

The BOV is made up of Ex-Officio area functionaries from the Judiciary, Police, Department of Medical and Health, Agriculture, Industries, Social Welfare, Employment, Education and Probation and lay people nominated from local society also known as Non-Official visitors. The board has the duty to meet periodically and assess the state of the prison, its inmates and management and make recommendations and reports to the administration and higher authority. Its members, collectively or individually have the authority to make periodic visits to the prison and write up their observations in the prison register as well as report it back to the collective board. It is the duty of these visitors to ensure safer, secure and humane jails by satisfying themselves that prisons are being run and prisoners treated in accordance with standards laid down in the Prison Act and Rules and, in case of dissatisfaction, report to the appropriate authorities for action that may include various governmental departments and even the judiciary.

The BOV is inexpensive to convene, has well defined functions and the system has been termed “a practicable formula bearing in mind the humanistic approach”, “an effective administrative solution” and “something concrete in the nature of a permanent workable arrangement...to constantly monitor the unflinching effective implementation of the arrangements”.¹ Yet in reality, the system of local monitoring by the board is near defunct. Across India, BOVs are not constituted, don’t meet regularly or fail to inspect prisons. Non-Official Visitors (NOVs) are irregularly or not appointed at all, don’t visit prisons, or do so sporadically and have little idea of their duties. Neither officials nor NOVs need bear the consequences of neglecting their mandates. This falls on the hapless inmates. Despite repeated directives by the Supreme Court² and various High Courts³, national advisories by Ministry of Home Affairs (MHA)⁴ and other committees⁵ to revive the mechanism whenever pitiable prison conditions have been exposed, very

1 Rasikbhai vs. State of Gujarat, 1999 CriLJ 1975

2 Sanjay Suri vs. Delhi Administration; 1988 AIR 414

3 Ranchod vs. State of Madhya Pradesh; 1965 SCR (2) 283

4 MHA Advisory F.N. 16014/4/2005-PR that was issued on 18.02.2011 that stated “Prison visiting system is a system to bring more transparency and accountability...The prison visiting system relating to Non-official Visitors needs to be streamlined...This mechanism will ensure accountability of not only the visitors but also the prison administration and help in bringing improvements in the prison administration”

5 All-India Jail Reform Committee, 1980 -1983 (Mulla Committee)

little has changed. Naturally the already old and overcrowded facilities are on an ever-deteriorating path. This is despite a significant increase in resources and an overall five-fold hike in budgets over the last 15 years⁶.

Methodology

The investigations for this report were led by using the Right to Information Act as the primary tool⁷. Written applications were sent to heads of prison departments in all states seeking information as of 12th November, 2014, on the following:

1. Statutory rules governing the visitors of prison
2. Name of visitors currently appointed
3. Dates of:
 - a) Appointment of visitors
 - b) Constitution of their board
4. Number of meetings held by the board

Our inquiry was made to find out whether NOVs had been appointed and boards were actually meeting according to the mandate. It did not delve into the number of times the NOVs visited the jails or the content of their remarks in the registers as most states are unable to go beyond the very first step of appointment and constitution. The information received from the states was then tabulated, summarized and examined to present a comparative study⁸. The findings are presented at two levels, one at an intra-state level and other at an inter-state level. The first showcases the gap within each state between the letter and practice of prison monitoring while the second goes on to display the ranking of each state according to cross-state pattern of compliance. A section of the report also presents a comparative on the information provided in the Prison Statistics-2014, consolidated by the National Crime Record Bureau⁹, and the findings of this study to question and underline the inconsistency in reporting of data by the government.

The performance of each state is presented as a report card of the situation as of 31st January 2015 and assessed on the average of 4 core indicators:

1. Percentage of total jails where Non-Official Visitors are appointed
2. Percentage of total jails where the mandated number of NOVs are appointed
3. Percentage of total jails where Board of Visitors, as required by the statute, is constituted
4. Percentage of total number of meetings held by the boards¹⁰

6 Rs. 80463.9 lacs in 2000 (Prison Statistics India - 2000 (Table No. 47)) and Rs. 427881.2 lacs in 2014 (Prison Statistics of India - 2014 (Table No. 12.1))

7 Under Section 6(1) of the Right to Information Act, 2005

8 Please note that the information provided by the States have been considered as true and genuine

9 <http://www.ncrb.gov.in/PSI-2014rev1/PrisonStat2014rev1.htm>

10 100% is the maximum score awarded to States even if the number of actual meetings held were more than the number of mandated meetings for standardization

The report further elucidates certain state specific and exclusive indicators, if any, such as periodicity of appointments of NOVs and constitution of boards; fulfillment of other appointment criteria of NOVs such as professional and educational qualification and gender specification; remuneration for NOVs and a display of names of appointed visitors in the prison premises. For ease of understanding the analysis is also presented as an infographic.

What's on paper vs. what's on the ground

The state's duty is to constitute a BOV comprised of officials and lay visitors (NOVs) for each jail. The BOV's duty is to visit jails individually or in groups, meet at regular intervals, record their findings, consider challenges, speak with jail authorities, make recommendations and ensure that they are implemented for the betterment of the prison and its inmates. On visits to a prison, members are required to observe the material living conditions and the treatment of prisoners-that is the requirement on paper. The situation on the ground is altogether different and presented below.

BOARD OF VISITORS

| S.No. | State | No. of Visitors | | Time of Constitution | Chairperson | No. of Meetings | |
|-------|---------------------------|--|--------------|----------------------|--|---|--------------|
| | | Prescribed | Performance | Prescribed | Prescribed | Prescribed | Performance |
| 1. | Andaman & Nicobar Islands | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> District & Session Judge at district Level Sub-Divisional Judicial Magistrate at sub-divisional level | Quarterly | Not followed |
| 2. | Arunachal Pradesh | All official and non-official visitors | Followed | Nil | <ul style="list-style-type: none"> District Judge at district level Sub-Divisional Judicial Magistrate at sub-divisional level | Quarterly | Followed |
| 3. | Assam | Central jail & District jail – 6 Sub jail - 4 | Followed | 2 years | <ul style="list-style-type: none"> District Magistrate at District level Sub-Divisional Officer at Sub-divisional level | Quarterly | Not followed |
| 4. | Bihar | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> District Magistrate | Quarterly | Not followed |
| 5. | Chhattisgarh | 4 | Followed | Once in 3 years | <ul style="list-style-type: none"> District Collector | Quarterly | Not Followed |
| 6. | Daman & Diu | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> District Magistrate | Quarterly in the months of January, April, July and October | Not followed |
| 7. | Delhi | At least 3 visitors | Not followed | Once in 3 months | <ul style="list-style-type: none"> District Magistrate Chief Judicial Magistrate in the absence of District Magistrate | Days determined by the District Magistrate | Not followed |

| S.No. | State | No. of Visitors | | Time of Constitution | Chairperson | No. of Meetings | |
|-------|------------------|--|--------------|----------------------|---|---|--------------|
| | | Prescribed | Performance | Prescribed | Prescribed | Prescribed | Performance |
| 8. | Goa | All official and non-official visitors | Followed | Nil | • District & Sessions Judge | Quarterly in the months of January, April, July and October | Followed |
| 9. | Gujarat | All official and non-official visitors | Followed | Nil | • Collector | Quarterly in the months of January, April, July and October | Not Followed |
| 10. | Haryana | 3 | Not followed | Once in 3 months | • District Magistrate | Days determined by the District Magistrate | Not followed |
| 11. | Himachal Pradesh | 3 | Not followed | Once in 3 months | • District Magistrate | Days determined by the District Magistrate | Not followed |
| 12. | Jharkhand | 3 member quorum | Not followed | Once in 3 years | • Commissioner of Division | Quarterly | Not followed |
| 13. | Karnataka | All official and non-official visitors | Not followed | Nil | • Deputy Commissioner | Quarterly in the months of January, April, July and October | Not followed |
| 14. | Kerala | All official and non-official visitors | Not followed | Nil | • District Collector | Quarterly meeting | Not followed |
| 15. | Maharashtra | All official and non-official visitors | Not followed | Nil | • District Magistrate | Quarterly in the months of January, April, July and October | Not followed |
| 16. | Manipur | Central jail – 6 District jail - 4 | Not followed | 2 years | • District Magistrate at district level • Sub-divisional Officer at sub-divisional level | Quarterly | Not followed |
| 17. | Meghalaya | Central jail – 6 District jail - 4 | Followed | 2 years | • District Magistrate at district level • Sub-divisional Officer at sub-divisional level | Quarterly | Quarterly |
| 18. | Mizoram | Central jail – 6 District jail - 4 | Not followed | 2 years | • District Magistrate at district level • Sub-divisional Officer at sub-divisional level | Quarterly | Not followed |

| S.No. | State | No. of Visitors | | Time of Constitution | Chairperson | No. of Meetings | |
|-------|-------------|--|--------------|------------------------|---|---|--------------|
| | | Prescribed | Performance | Prescribed | Prescribed | Prescribed | Performance |
| 19. | Nagaland | Central jail – 6 District jail - 4 | Not followed | 2 years | <ul style="list-style-type: none"> District Magistrate at district level Sub-divisional Officer at sub-divisional level | Quarterly | Not followed |
| 20. | Odisha | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> District Magistrate | Quarterly meeting under prior consultation with the District Magistrate | Not Followed |
| 21. | Puducherry | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> District Magistrate | Not mentioned | Not followed |
| 22. | Punjab | 3 | Not followed | Once in 3 months | <ul style="list-style-type: none"> District Magistrate | Days determined by the District Magistrate | Not followed |
| 23. | Rajasthan | 4 | Not followed | Every 6 months | <ul style="list-style-type: none"> District Magistrate | Quarterly | Not Followed |
| 24. | Sikkim | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> Collector and District Magistrate | Half yearly | Not followed |
| 25. | Telangana | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> District Magistrate | Quarterly meeting | Not followed |
| 26. | Tripura | Resident Officers | Followed | Every 3 months in jail | <ul style="list-style-type: none"> District Magistrate | Quarterly meeting | Not followed |
| 27. | Uttarakhand | All official and non-official visitors | Not followed | Nil | <ul style="list-style-type: none"> Civil and Session Judge District Magistrate at Almora and Garhwal | Special meetings with the permission of the president, at the Requisition of at least 3 members | Not followed |
| 28. | West Bengal | All Resident Official Visitors and Non-Official Visitors | Not Followed | Nil | <ul style="list-style-type: none"> District Magistrate | Quarterly meeting | Not followed |

NON-OFFICIAL VISITORS

| S.No. | Name of State | Appointing Authority | No. of Visitors | | Tenure | Appointment Criteria | | Gender Specification | |
|-------|---------------------------|---|---|--------------------|---------|--|------------------------------|----------------------|--------------------|
| | | | Prescribed | Performance | | Prescribed | Performance | Prescribed | Performance |
| 1. | Andaman & Nicobar Islands | Administrator | As many as the Administrator may think fit | No Appointments | 2 years | Persons from Prominent NGO & Social Work, Public Prosecutor of District Court | Not Applicable ¹¹ | None | Not Applicable |
| 2. | Arunachal Pradesh | Government | 6 | Followed | 2 years | Social Workers, MLA, State Commission for Women | Not Followed | Yes | Partially Followed |
| 3. | Assam | Government | District jail- 4 Sub jail- 2 | Partially Followed | 2 years | Nil | Unmeasurable ¹² | Yes | Partially Followed |
| 4. | Bihar | Home Department on recommendations of District Magistrate | Central jail - 6 District jail - 3 Sub jail - 2 | No Appointments | 3 years | Distinguished social workers, educationists, psychologists and medical professionals. | Not Applicable | Yes | Not Applicable |
| 5. | Chhattisgarh | State Government | Central jail- 6 District jail- 3 Sub jail- 2 | Followed | 3 years | MLAs, Members of District Planning committee and any other that the Govt. may think fit | Unmeasurable ¹³ | Yes | Followed |
| 6. | Daman & Diu | Government | 2 | No Appointments | 3 years | Those interested in the administration of prisons and interested in prisoner's welfare both before and after their release. | Not Applicable | Yes | Not Applicable |
| 7. | Delhi | Administrator | As many as the Administrator thinks fit | Unmeasurable | 2 years | Anyone who the Administrator may think fit | Unmeasurable | Yes | Followed |
| 8. | Goa | Government | 6 | Followed | 2 years | MLA, Member of State Commission for Women and Social Workers who are interested in the administration of prisons and interested in prisoner's welfare both before and after their release. | Followed | Yes | Followed |

¹¹ Not Applicable is mentioned for those states where no appointments are made and thus compliance to the prescribed criteria, if any, cannot be applied

¹² Unmeasurable is mentioned in the report cards of those states where appointments were made but the criteria for selection is so formless on paper that it is difficult to calculate or measure or the designation of the visitors was not mentioned against the name rendering it impossible to measure compliance

¹³ Designations of the visitors not mentioned against their name in the notification appointment no. 121/Warrant/Ja.Mu./2013 issued by the Department of Jail and Correctional Services, Chhattisgarh dated 18.04.2013

| S.No. | Name of State | Appointing Authority | No. of Visitors | | Tenure | Appointment Criteria | | Gender Specification | |
|-------|------------------|---|---|--------------------|---------|---|------------------------|----------------------|--------------------|
| | | | Prescribed | Performance | | Prescribed | Performance | Prescribed | Performance |
| 9. | Gujarat | Government | Central jail – 10 District jail – 6 Sub jail - 4 | Partially Followed | 3 years | Mayor, MLA, and those who are interested in the administration of prisons and interested in prisoner’s welfare both before and after their release. | Followed ¹⁴ | Yes | Partially Followed |
| 10 | Haryana | Local Government on recommendation of Divisional Commissioner | Any number the Local Government may think fit. | No Appointments | 2 years | The Local Government may appoint any person in any jail as they think fit. | Not Applicable | Yes | Not Applicable |
| 11. | Himachal Pradesh | State Government | As many as the State Government thinks fit | No Appointments | 2 years | Any person who the Government may think fit | Not Applicable | Yes | Not Applicable |
| 12. | Jharkhand | Local Government on recommendation of District Magistrate | Central jail- 8 District jail- 4 | No Appointments | 2 years | Any person who the State Government may think fit | Not Applicable | Yes | Not Applicable |
| 13. | Karnataka | Govt. on the on recommendation of Deputy Commissioner | Central jail – 10 District jail – 6 | Followed | 2 years | Mayor, MLA and others | Followed | Yes | Followed |
| 14. | Kerala | Government | As many as the Government thinks fit | No Appointments | 1 year | MLAs. MPs, Doctor, Lawyer, Woman Social Worker and any other responsible citizen of district | Not Applicable | Yes | Not Applicable |
| 15. | Maharashtra | Government | Greater Bombay-11 Central jail -9 District jail – 6 Sub jail - 4 | Not Followed | 3 years | MLAs and other persons interested in the administration of prisons and prisoner welfare | Not Followed | Yes | Followed |

¹⁴ All the other visitors except the Mayor and MLA were social workers either working with an organization or individually

| S.No. | Name of State | Appointing Authority | No. of Visitors | | Tenure | Appointment Criteria | | Gender Specification | |
|-------|---------------|---|--|-----------------------|---------|---|----------------|----------------------|----------------|
| | | | Prescribed | Performance | | Prescribed | Performance | Prescribed | Performance |
| 16. | Manipur | Government | District jail- 4 Sub jail- 2 | No Appointments | 2 years | Any person who the Government may think fit | Not Applicable | No | Not Applicable |
| 17. | Meghalaya | Government | District jail- 4 Sub jail- 2 | Followed | 2 years | Any person who the Government may think fit | Unmeasurable | No | |
| 18. | Mizoram | Government | District jail - 4 Sub jail- 2 | No Appointments | 2 years | Any person who the Government may think fit | Not Applicable | No | Not Applicable |
| 19. | Nagaland | Government | District jail- 4 Sub jail- 2 | No Appointments | 2 years | Any person who the Government may think fit | Not Applicable | Yes | Not Applicable |
| 20. | Odisha | Central jail- State Government District & other jails – District Magistrate | Central-6 District- 5 | Followed | 2 years | MLAs and others | Not Followed | Yes | Followed |
| 21. | Puducherry | Government | As many as the Government thinks | No Appointments | 2 years | MLAs, MPs, Doctor, Lawyer, Social Worker and other responsible person | Not Applicable | Yes | Not Applicable |
| 22. | Punjab | Local Government on recommendation of Divisional Commissioner | Any number as the Local Government thinks fit | No Appointments | 2 years | Any person who the Government may think fit | Not Applicable | Yes | Not Applicable |
| 23. | Rajasthan | Government on recommendation of District Magistrate and Collector | Central jail - 6 District jail - 3 Sub jail - 2 | Partially Followed | 2 years | Anyone who can write an inspection note in his own hand | Unmeasurable | Yes | Not Followed |
| 24. | Sikkim | Government | 4 | No Appointments | 3 years | MLA, Member of State Council for Women, Social Workers | Not Applicable | Yes | Not Applicable |
| 25. | Telangana | Government on recommendation of the Inspector General of Police in consultation with Collector | Central and Special jail - 8 District jail – 4 Rajahmundry Women's Jail – 5 women | No Appointments | 2 years | Nil | Not Applicable | Yes | Not Applicable |

| S.No. | Name of State | Appointing Authority | No. of Visitors | | Tenure | Appointment Criteria | | Gender Specification | |
|-------|---------------|---|---|--------------------|---------|--|--------------|----------------------|----------------------------|
| | | | Prescribed | Performance | | Prescribed | Performance | Prescribed | Performance |
| 26. | Tripura | Commissioner of Division | Central jail- 12 District jail-7 Sub jail-4 | Partially Followed | 2 years | MLA and others | Unmeasurable | Yes | Unmeasurable ¹⁵ |
| 27. | Uttarakhand | Provincial Govt. on the recommendation of the District committees of the United Provinces Discharged Prisoners Aid Society received through District Magistrate and Commissioners | MLAs and others recommended by the District Committees of the United Provinces Discharged Prisoners Aid Society through District Magistrate and Commissioners | Unmeasurable | 2 years | MLAs and other who are able to write an inspection note in his own hand | Unmeasurable | Yes | Unmeasurable ¹⁶ |
| 28. | West Bengal | Government on recommendation of Divisional Commissioner In case of Presidency Jail- in consultation with the Commissioner of Police, Kolkata | Central jail -15 District jail- 9 Sub jail -5 | Not Followed | 2 years | MLAs and other persons likely to take interest in the prisoners' welfare and are willing to accept this duty | Unmeasurable | Yes | Partially Followed |

¹⁵ The gender of all the visitors was not mentioned in the notification

¹⁶ The Uttar Pradesh Jail Manual which Uttarakhand continues to follow does not lay down specifically the number of women NOVs that must be appointed in its jails but mentions that NOVs must only enter the wards that houses women prisoners (Rule 677, Chapter XXV). Hence, it may not be gender balanced but it is gender specific

Recommendations

The National Human Rights Commission (NHRC) has taken the initiative of re-drafting the central Prisons Act in consultation with civil society and various State representatives. Considering that the mechanism of Prison Visiting System is dysfunctional, we urge the NHRC and each State to incorporate the following recommendations into the new Prisons Act and rules for revitalizing monitoring of prisons in India:

1. BOARD OF VISITORS

Constitution and composition

- ✓ In states¹⁷ where BOVs are constituted after the appointment of NOVs, it must be done within seven days of the appointment with the district magistrate as the chairperson. The board should include the chief judicial magistrate, the chief medical officer, one other OV and at least four NOVs for central jails of whom two must be women. At district and sub-jails there must be two NOVs of whom one must be a woman. Visitors at all jails should be appointed for a minimum tenure of one year to ensure continuity. It is important because institutional memory has a tendency to erode with frequent change of officers.
- ✓ In states¹⁸ where all official and non-official visitors form a board, a quorum of persons should be present during the meeting to ensure the validity of the meeting and joint inspection conducted by the board. It must have the district magistrate as the chairperson, the chief judicial magistrate, the chief medical officer, one other OV and at least four NOVs for central jails of whom two must be women. For district and sub jails there must be two NOVs of whom one must be a woman.

Chairperson

- ✓ In all states, district magistrates must be the chairperson of the BOV. In the absence of the district magistrates, district and session judges must take over the responsibility.

Meeting

- ✓ The rules must be amended for the board to make bi-monthly joint inspections and quarterly meetings at the prison premises. The first meeting must be held within seven days of constitution of the board where the roster for individual visits by NOVs, OVs and joint inspection by the Board must be prepared for the ensuing 12 months.
- ✓ During the meeting, the visitors' book and the action taken by the Superintendent on the remarks must be handed over to the board.

2. NON-OFFICIAL VISITORS

Appointment

- ✓ All new jail manuals and acts must include lay persons to be part of the visiting system.
- ✓ Non-Official Visitors must be appointed with immediate effect in all the jails of Andhra Pradesh, Bihar, Chandigarh, Daman & Diu, Dadra & Nagar Haveli, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Nagaland, Odisha, Puducherry, Punjab, Rajasthan, Sikkim, Tamil Nadu and Uttar Pradesh.

¹⁷ Rajasthan, Madhya Pradesh, Delhi, Chhattisgarh, Himachal Pradesh, Haryana, Punjab, Nagaland, Assam, Meghalaya, Mizoram, Manipur, Tripura

¹⁸ Gujarat, Goa, Karnataka, Uttarakhand, Maharashtra, Telangana, Andhra Pradesh, Odisha, Sikkim, Daman & Diu, Puducherry, Kerala, Andaman & Nicobar Islands, Arunachal Pradesh, Jharkhand, Bihar and Uttar Pradesh

- ✓ They must be appointed for all the jails including sub jails (also known as judicial lock-ups), women's jails, special jails, open air jails, youth reformatories and institutions where mentally unsound prisoners are kept even if they are not explicitly mentioned in the jail manual.
- ✓ Written consent of the NOV must be taken at the time of appointment.
- ✓ At the time of their appointment, they must be given a guide book, a copy of relevant chapters of the jail manual that deals with visitors, circulars, notifications, court orders and judgments, orders that are passed by the government from time to time regarding the visitors themselves, administration of jails and treatment of prisoners. The guide book must explain the functioning of prisons, the records that are maintained, the important contact details for improved coordination and the power and duties of the visitors.

Selection Standards & Criteria

CHRI's earlier research¹⁹ has shown that non-official visitors are almost inevitably selected from amongst party members and against criteria that is amenable to loose definition and does not necessarily throw up people with skills and professional experience relevant to the post. We have also found that appointments are made without prior information to the visitor and no orientation or training or explanation of duties and functions is provided. The criteria for appointing NOV's must take into account the following:

- ✓ Background - The candidates must be between 18-55 years of age with no direct involvement in the criminal justice system²⁰. Their professional record must not be indicative of any conflict of interest with any prisoner or prison official and in fact must be reflective of interest in the welfare of prisons or the likelihood of interest in the prisoners and their welfare both while they are in prison and after their release. They must be persons with wide knowledge and experience in either law, criminology, social service, psychiatry, healthcare or mass media with excellent listening and observation skills who can bring in useful resources and expertise inside prison while also focusing on prisoner rehabilitation post release. Bihar sets a good practice²¹ by calling for only distinguished social workers, educationists, psychologists and medical professionals as non-official visitors.
- ✓ Gender Balance - There must be equal representation of men and women in the appointment of visitors. Women visitors must be appointed for each and every jail, in particular for women jails. Having said that, women representatives cannot be token presences or restricted to women's prisons. Therefore, a formula of having no more than 60 percent of any one gender be adopted for NOV participation. This will also ensure a more equitable proportion of both men and women in the board of visitors.
- ✓ Re-appointment - For re-appointment, the visitor's performance during the first tenure must be considered. The frequency of his visits, the nature of his remarks and the nature of response to prisoners' requests and complaints must form the criteria for re-appointment along with attendance at least one orientation session to familiarize with duties, powers, functions and relationship with the authorities. Further, six months prior to completion of the term of NOV's, each jail must send a reminder to the district magistrate of that particular district and also the home department to start the search for fresh appointments.

Training

- ✓ The visitors, right after their appointment must be imparted regular and comprehensive training to apprise them of their role and duties inside prison and their relationship with the authorities. The training then must be conducted bi-annually. The state human rights commission must provide periodic orientation as part of their awareness building mandate. The NOV's, at the time of appointment should be made aware of their rights and duties and what they can do to improve the

¹⁹ Rajasthan Prison Visiting System-A study on Role Perception and Role Knowledge of Non-official Visitors (2011)

²⁰ Scotland sets a good practice as the Independent Prison Monitors appointed as part of Her Majesty's Inspectorate of Prison Reforms for Scotland are expected to possess excellent listening and observation skills; the ability to gain the respect of prisoners, prison staff and the prison Governor; the confidence in dealing with challenging situations; and a commitment to social justice

²¹ Rule 721, Bihar Jail Manual, 2012

prison and prisoners' conditions.

- ✓ Advisories, guidelines, notifications and orders issued by the central government and the state government must be disseminated to visitors to ensure guided and informed visits.

Identification Cards

NOVs must be issued identification cards by the home department in association with the prison departments to the NOVs for reasons of prison security and to prevent arbitrary restriction.

Frequency of Visits

Frequency and restrictions on visits by NOVs vary from state to state. The rules must be amended for the NOVs to make weekly visits to prison. The frequency of visits must be tailored to meet the standards of 'regular' inspections so that signs of potential dissatisfaction in the inmate population, problems with infrastructure, staffing, health care, etc. can be identified in time and violations prevented. Maharashtra, Bihar, Tamil Nadu and Andhra Pradesh set a good practice in this regard by endorsing weekly inspections of prisons²². There must be a provision for the visitors to make unannounced visits apart from roster-based visits to reduce the 'manufactured' nature of visits. Transparent scrutiny of conditions of detention is only possible when unannounced visits are made. Further, the practice of surprise visits benefits supervision while stringent restrictions defeat the purpose of having outsiders visit these closed facilities.

Remuneration

Conveyance allowance must be paid to those NOVs who reside at a distance of more than five kilometers from the prison so that distance does not become a disincentive for prison visits. Arunachal Pradesh, Goa, Maharashtra and Sikkim set a good practice in this regard²³.

Powers & duties

- ✓ Taking a cue from the Rajasthan and Madhya Pradesh jail manuals²⁴, a list of questions to be noted by the visitor during the inspection must be added to the rules and handed over to the visitor at the time of appointment.
- ✓ Visitors must divide the areas of observation among themselves to ensure optimum utilization of their visit and balanced distribution of time between areas of prison conditions, prisoner treatment and fair trial. This would also work in ensuring that the work is not duplicated by other bodies²⁵ that are mandated to visit the jails.
- ✓ They must be allowed access to all parts of the prison and to prisoners with the only limitations being relevant to their safety. This, too, cannot be used as an overboard excuse for limiting access. They must be allowed to converse with prisoners in reasonable privacy.
- ✓ They must call for any record, document, order, notification, circular etc. held by the prison officials to ensure objectivity in the framing of strategies and documenting of remarks in the visitors book.
- ✓ The list of undertrials who have completed one-fourth of their maximum sentences must be provided to the NOVs in pursuance to the advisory no. V-13013/70/2012-IS(VI) issued by the Ministry of Home Affairs dated 17th January, 2013²⁶.

22 Rule 725, Bihar Prison Manual; Rule 11(i), Chapter XV, Maharashtra Jail Manual; Rule 508, Chapter XXVI, Tamil Nadu Jail Manual; Rule 28(1), Chapter IV, Andhra Pradesh Jail Manual

23 Rule 1302, Arunachal Pradesh Jail Manual; Rule 15.18, Chapter XV, Sikkim Jail Manual; Rule 386, Goa Jail Manual; Rule 12, Chapter XV, Maharashtra Jail Manual

24 Addendum to Rule 11, Part 23 of Rajasthan Jail Manual

25 Inter-departmental committees in Maharashtra Jail Adalats, Periodic Review Committees in Rajasthan, Core Committee in Gujarat etc.

26 Page 2, Point 5, Use of Section 436A of the Cr.P.C to reduce overcrowding of prisons

- ✓ They must maintain independence and impartiality in their observation and decision-making.
- ✓ They must provide strategic discussions on current and future challenges of legislative direction at both state and national level using their experience from the visits.

Cancellation of Appointments

The Rules must explicitly contain the reasons for which a visitor may be dismissed and they must be noted in the letter of appointment of a visitor. The reasons must be one of the following:

- ✓ Involvement in offence or conduct involving moral turpitude²⁷ and/or,
- ✓ Unsatisfactory performance of a visitor which must include visits made less than five times a year and no articulate remarks made in the visitor's book in which case the appointment should lapse automatically.

OFFICIAL VISITORS

- ✓ Representative/s from the following departments and commissions must be notified as official visitors in jails of all states:
 - Department of Social Welfare
 - Department of Women and Child Development
 - Department of Education
 - Department of Industry
 - Department of Agriculture
 - Department of Employment
 - Department of Family Welfare and Medical Health
 - Foreign Regional Registration Office²⁸
 - State Human Rights Commission
 - State Commission for Women
 - State Commission for Scheduled Castes
 - State Commission for Scheduled Tribes
 - State Minority Commission
- ✓ It must be mandatory for all the official visitors to inspect the jails once every two months.

²⁷ Baleshwar Singh vs. Collector, Banaras and Ors. AIR1959All7

It [moral turpitude] means anything done contrary to justice, honesty, modesty or goods morals. It implies depravity and weakness of character of disposition of the person charged with the particular conduct. Every false statement made by a person may not be moral turpitude, but it would be so if it discloses vileness or depravity in the doing of any private and social duty which a person owns to his fellowmen or to the society in general. If therefore the individual charged with a certain conduct owes duty, either to another individual or to the society in general, to act in a specific manner or not to so act and he still acts contrary to it and does so knowingly, his conduct must beheld to be due to vileness and depravity. It will be contrary to accepted customary rule and duty between man and man

²⁸ Foreign Registration Regional Office is the nodal office that manages the repatriation of foreign prisoners to their home country after the completion of their sentence

3. REPORTING MECHANISMS

A robust reporting mechanism must be included in the rules to gauge the performance of a visitor and to ensure time bound action by the state. The purpose of such a mechanism is to ensure that the administration has a clear picture of issues and challenges arising in jails in timely manner and can set about improving conditions and preventing any undue harm. In its absence, the prison will invariably remain in a state of neglect and decline. Therefore, the superintendent of jails must forward the remarks to the higher authorities in a timely manner to work towards the spirit of making jails a better place and assisting the prison authorities without curtailing the rights of prisoners because the value of visitors lies in reporting to the government. Following steps must be taken to ensure the aforementioned:

- ✓ The inspection notes recorded by each visitor must be forwarded every week to the chairperson of the board and the deputy inspector general of the range in which the jail falls within two days of the visit.
- ✓ The inspection notes relating to prolonged detention of undertrials must be forwarded to the chief judicial magistrate, the district and Sessions judge and the periodic review committee²⁹.
- ✓ Such inspection notes must also be forwarded to the chief secretary and the competent government representative handling the portfolio of jails on the state level at the end of every month. An annual report must also be submitted on the treatment of prisoners and conditions of prison which would be laid before the legislative assembly³⁰.
- ✓ The inspection notes that relate to long detention of undertrial prisoners must be forwarded to the concerned court which reserves the authority to try the prolonged detention and the undertrial review committee of that jail.
- ✓ The mechanism as it stands currently allows for the visitor book to be forwarded to a higher authority in the department of prisons first and if such an authority thinks it fit then the visitor book is forwarded to the government. This procedure defeats the whole purpose of 'independent' monitoring as prison administration is given the chance to be 'judge in its own cause'. Therefore, every visitor must be granted the right to communicate with any authority that he or she deems fit directly without a prior permission from the jail administration.

4. VOLUNTARY DISCLOSURE

- ✓ A bulletin board with the names of NOVs and the roster of visits must be placed inside the prison where the prisoners can view it clearly.
- ✓ The list of NOVs, a roster of their visits with those of the official visitors and minutes of meetings conducted by the board should be made available on the website of the state prison department under Section 4(1)(b) of the Right to Information act, 2005.

5. JOINT DELIBERATIONS

- ✓ One state level meeting of official and non-official visitors of all prisons must be conducted every year in each state. This meeting must be chaired by the state human rights commission and attended by official and non-official visitors, superintendents of all prisons and officials from headquarters and the state prisons and correctional services department. An agenda of prison improvement based on the visiting notes of various official and non-official visitors shall be prepared by the prisons department and circulated in advance for discussions at the meeting. Bihar sets a good practice in this regard³¹.

²⁹ Based on the 2013 MHA advisory titled 'Use of Section 436A of the Cr.P.C to reduce overcrowding of prisons', the Hon'ble Supreme Court in the case of In Re-Inhuman Conditions in 1382 prisons ordered National Legal Services Authority, Ministry of Home Affairs and State Legal Services Authorities to constitute Undertrial Review Committees in every district

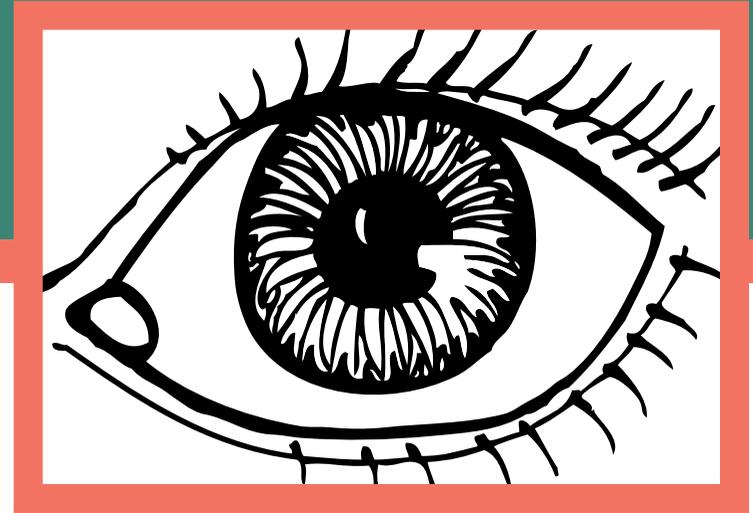
³⁰ In United Kingdom, under Section 57 of the Criminal Justice Act 1982 the HM Chief Inspector of Prisons' submits an annual report to be laid before the Parliament

³¹ Rule 747, Bihar Jail Manual



NATIONAL SNAPSHOT

WHO KEEPS AN EYE ON PRISONS?



BOARD OF VISITORS (BOVs)



By law (Section 59(25) of Prisons Act, 1894) every jail must have a Board of Visitors. The Board is made up of officials, elected representatives and also people of good standing from the local community known as Non-Official Visitors (NOVs).

WHAT DO THEY DO

Meet regularly

Visit the jails together or individually

Look at material living conditions, treatment of prisoners, medical services, registers and documents, rehabilitation

Report to the higher ups such as the IG (Prisons) and State Home Department

Follow up with the prison staff and other local authorities for solutions and implementation of schemes and policies

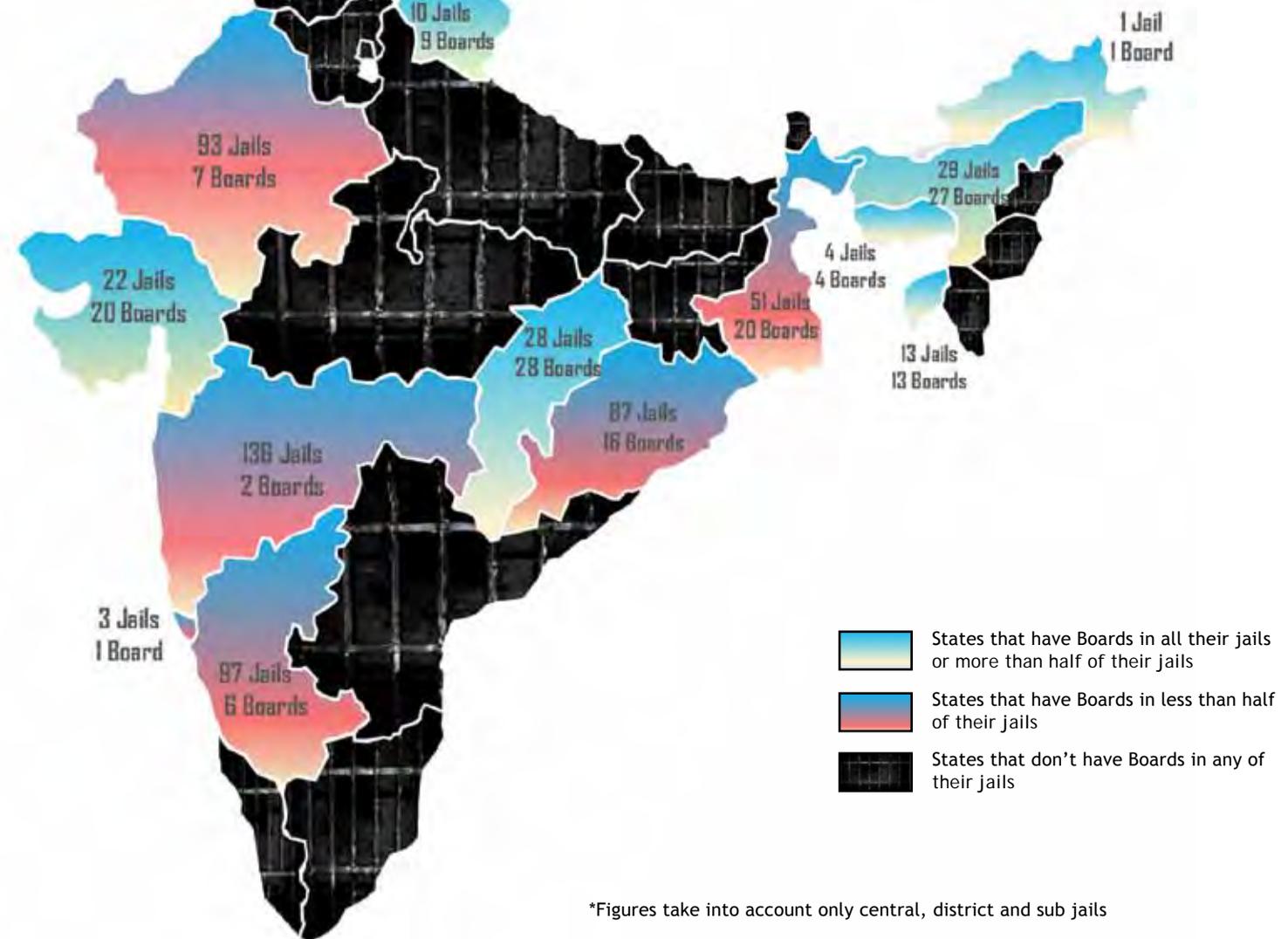
Only Arunachal Pradesh, Chhattisgarh, Meghalaya and Tripura had Boards in all their jails

A jail in Odisha last appointed an NOV in 1997

Dadra and Nagar Haveli has never constituted a BOV because it 'never felt the need'.

WHERE ARE THE BOVs*

CHRI analyzed the working of BOVs according to the law and found that as on January, 2015 only 4 states had Boards constituted in all their jails and 9 other states had them in some of their jails. Out of these, 6 states had Boards in less than half of their jails.



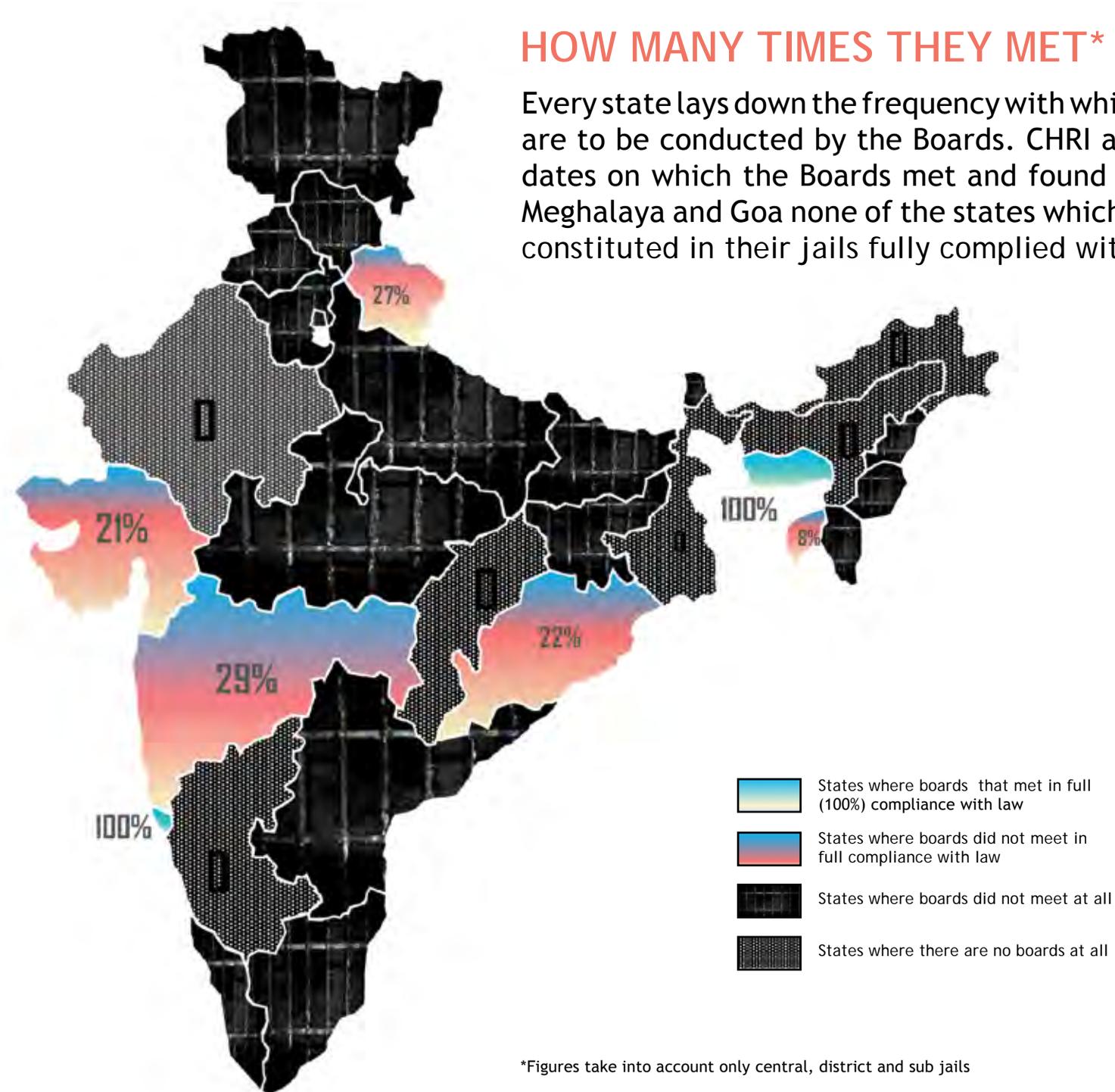
*Figures take into account only central, district and sub jails

The BOVs of only 5 out of 1382 jails met according to law which means not even 1% of jails in India were monitored sufficiently

Many jails did not know the difference between the BOV and other monitoring committees

HOW MANY TIMES THEY MET*

Every state lays down the frequency with which meetings are to be conducted by the Boards. CHRI analyzed the dates on which the Boards met and found that except Meghalaya and Goa none of the states which had Boards constituted in their jails fully complied with the law.



*Figures take into account only central, district and sub jails

WHO CAN BE AN NOV

NOVs are appointed by the state government often on the recommendations of the local authorities. CHRI analyzed the rules of every state to understand the criteria and standards that these independent visitors are required to meet.

APPOINTMENT CRITERIA: AT A GLANCE

ANYONE AT ALL

Andhra Pradesh
Assam
Delhi
Haryana
Himachal Pradesh
Jharkhand
Karnataka
Manipur
Meghalaya
Mizoram
Nagaland
Punjab
Telangana

MUST BE LITERATE

Chhattisgarh
Rajasthan
Madhya Pradesh
Uttar Pradesh
Uttarakhand

MUST HAVE INTEREST IN PRISON WELFARE

Dadra & Nagar
Haveli
Daman & Diu
Goa
Gujarat
Maharashtra
Tripura

MUST BE AN EXPERT IN MEDICINE, LAW, SOCIAL WORK

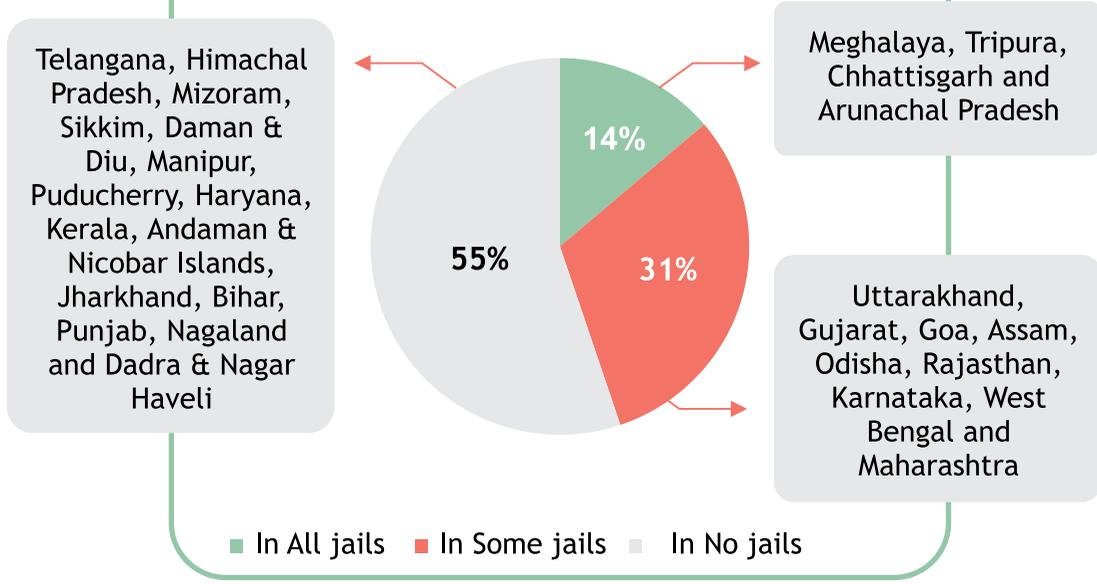
Andaman &
Nicobar Islands
Arunachal
Pradesh
Bihar
Kerala
Puducherry
Sikkim
Tamil Nadu

GENDER INCLUSIVE*

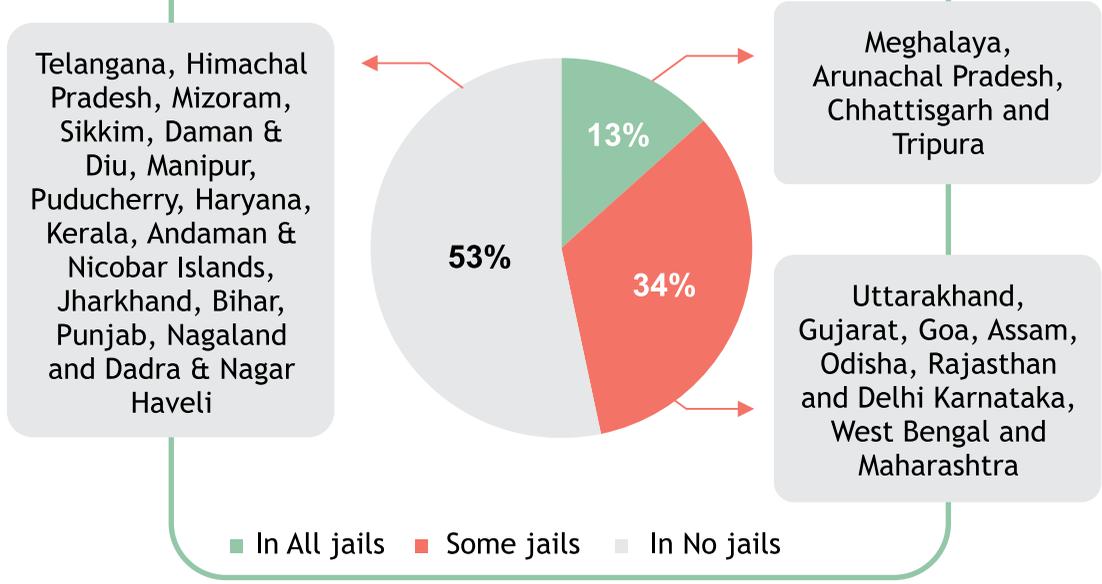
Andhra Pradesh
Arunachal Pradesh
Assam
Dadra & Nagar
Haveli
Daman & Diu
Goa
Gujarat
Karnataka
Kerala
Maharashtra
Odisha
Sikkim
Telangana

*Atleast 33% inclusion

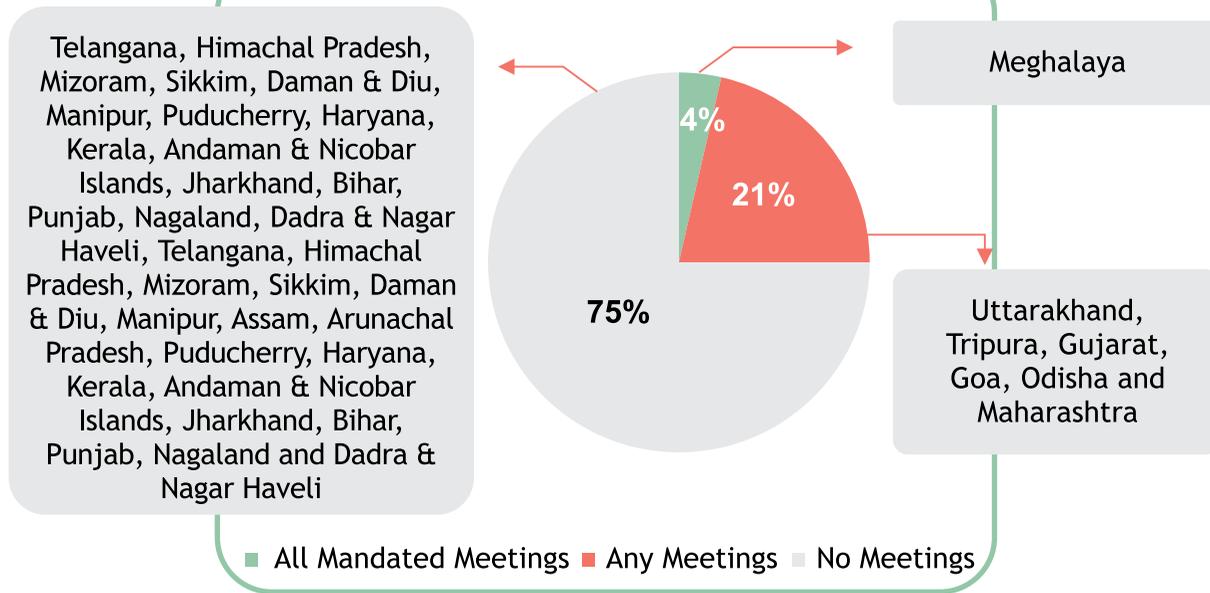
Constitution of BOV



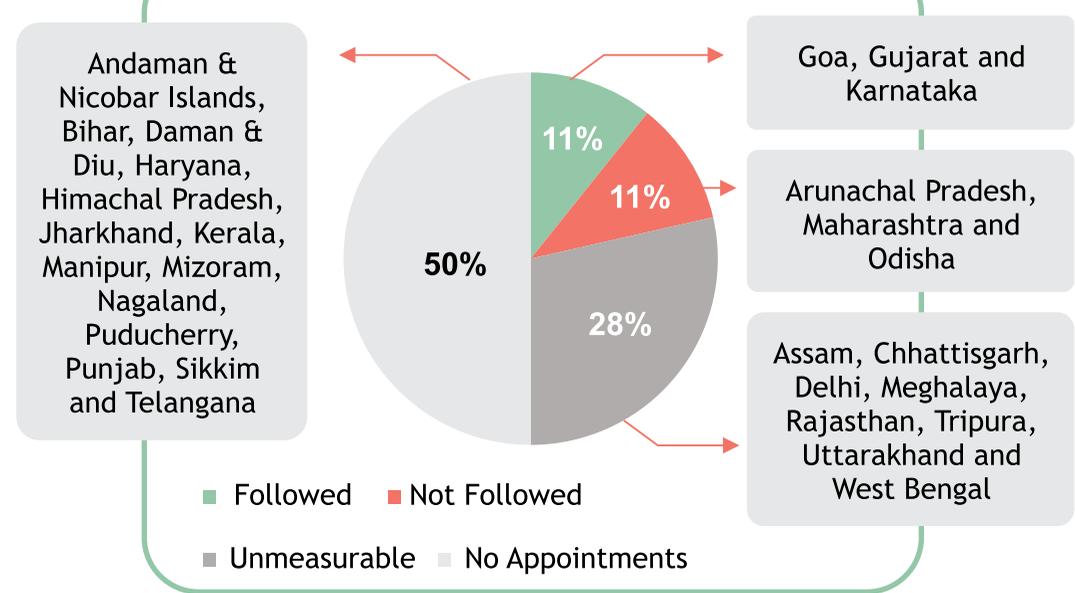
Appointment of NOV



Meetings of BOV



Criteria of Appointment of NOV



STANDARDS &
IMPLEMENTATION:
A CRITICAL REVIEW

Standards & Implementation: A Critical Review

Findings on Statutory Standards

Every state law makes provision for a prison visiting system in its prison manual. Rules of course are the means and instrument by which the substantive nature of the Act finds application on the ground. They are intended to put in place procedures that best effectuate the spirit of the principle law. Though Kerala, Delhi and West Bengal have formulated newer - now aspirationally called - Correctional Acts, none of them have drafted new rules but continue to be directed by the older rules made earlier in consonance with the central act of 1894 thus only partially fulfilling the aspiration.

1. Jail Manuals - Convergence And Divergence

Although most of the states and union territories have chalked out new rules, some of the recently formed states³² continue to be governed by the rules of the states or provinces they were carved out of before or after Independence. Meghalaya, Mizoram and Nagaland that separated from Assam³³ continue to follow the Assam jail manual along with Manipur. Gujarat which separated from Maharashtra in 1960 took verbatim rules from the Maharashtra jail manual thus sharing the same criteria of appointment, emphasis on members of the legislature, conveyance allowance for visitors, public disclosure of names of visitors on a board and public and the number of visits to be made by the visitors. Uttarakhand, Chhattisgarh and Jharkhand which separated from Uttar Pradesh (UP), Madhya Pradesh(MP) and Bihar respectively in 2000 await the enactment of separate acts and rules and until then continue to be governed by UP, MP and Bihar jail manuals. Similarly, West Bengal enacted a new correctional act in 1992. However, Tripura which formed part of erstwhile Bengal continues to be governed by the older Bengal jail code. Haryana which was separated from Punjab in 1966 continues to be governed by the old Punjab jail manual. Telangana which recently separated from Andhra Pradesh in 2014 is yet to come up with a new jail manual. Exceptional similarities are also seen in the rules regarding the appointment and guidance of visitors in Rajasthan and Madhya Pradesh³⁴. These are also the only states that provide a comprehensive list of questions that are to be considered by the visitors during their visits besides broadly putting down the duties of visitors.

Only Bihar, Daman & Diu, Arunachal Pradesh, Sikkim and Andaman & Nicobar Islands have prison manuals published in the 21st century. Bihar has the latest jail manual that became operational in 2012. Sikkim, which was governed by the Bengal jail code till 2009 comes a close second as it enacted a new prisons act and corresponding rules in 2007 and 2010 respectively. The rest of the states have thus far managed with pre-independence rules.

2. Board of Visitors

✓ **Composition** - A board of visitors is only properly formed when there are official and non-official visitors on it. Some states³⁵ imply that all visitors form a board while other states³⁶ require only a quorum made up of selected OVs and NOV. All-visitor boards are constituted automatically with the appointment of NOV while in case of quorum-based boards, there has to be a clear direction from the chairperson, the district magistrate in most cases, to constitute a board. The problem arises when the time period laid down for such constitution is unrealistic like in the case of Delhi, Haryana, Himachal Pradesh, Punjab and Tripura where a new board must be formed every three months. At one level such a short time gap could be helpful as it gives the opportunity to every visitor, both official and non-official, to effectively contribute to the mechanism but at the same time it poses a huge procedural challenge to an already over-burdened executive along with

32 Chhattisgarh, Jharkhand, Uttarakhand, Mizoram, Meghalaya, Manipur, Nagaland, Haryana, Gujarat, Telangana and Tripura

33 Nagaland separated in 1963 followed by Meghalaya and Mizoram in 1972

34 The duties of visitors, admission of official of Public Works Department and police officers for the purpose of interrogation of prisoners for their cases are drafted along the same lines

35 A&N Islands, Daman & Diu, Goa, Gujarat, Karnataka, Kerala, Maharashtra, Odisha, Puducherry, Tamil Nadu, Telangana, Tripura, Uttar Pradesh and Uttarakhand

36 Arunachal Pradesh, Assam, Bihar, D&N Haveli, Delhi, Haryana, Himachal Pradesh, Jharkhand, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan and Sikkim

weakening ties that the board may have formed with the prisoners.

- ✓ *Chairperson* - In all but five states the district magistrate³⁷ is the chair of the BOV. The rationale being that he has charge of coordinating all local administrative units and can oversee their functions as they pertain to the upkeep of jails. In the Andaman & Nicobar Islands, Arunachal Pradesh, Goa, Uttar Pradesh and Uttarakhand the chair is either the civil and sessions judge or a district and sessions judge. This is in keeping with the notion that prisoners are in custody by order of a judge except in cases of preventive detention³⁸ and hence oversight of their care lies with the judiciary.
- ✓ *Visits & Meetings* - Besides the individual visits by all the visitors, each state has a distinct provision for the board to conduct either a joint inspection or meeting or both by the board in each jail except Puducherry. Twenty three states³⁹ prescribe quarterly meetings of the board out of which five states⁴⁰ specifically lay down the months of January, April, July and October for meetings. Bihar, Sikkim, Uttar Pradesh and Uttarakhand prescribe bi-annual meetings. It is of concern that Delhi, Haryana, Himachal Pradesh and Punjab entrust the district magistrate with complete discretion to decide suitable days for conducting the meeting and without specifying minimum standards.

3. Non-Official Visitors

Only 14 states⁴¹ clearly include sub jails to have visitors and boards while the rest only focus on central and district jails. In fact, none of the states openly provide for inspection in special jails, open air prisons, and youth reformatories.

- ✓ *Number of NOVs* - Six states⁴² do not lay down any specific number of NOVs to be appointed and keep it absolutely discretionary⁴³. All other states list the number of visitors that must be appointed.
- ✓ *Appointment criteria* - The lack of deliberation on the criteria of selecting visitors and reaching decisions on their dismissals is hard to miss. Eighteen states⁴⁴ set some standards for selecting visitors. Most commonly mentioned are interest in welfare of prisoners, literacy and field of work. Out of which, exceptionally seven states⁴⁵ include additional criteria such as professional qualification, social standing, educational background and diversity. The rest set no criteria at all.
- ✓ *Cancellation Criteria* - Only six states⁴⁶ provide rules for cancelling the appointment of an NOV whereas others reserve absolute right to terminate the appointment as and when they think fit.
- ✓ *Inspection Visits* - Sustained improvement in conditions, timely prevention of abuses and redressal of a prisoner's grievances can only take place when the prisons are inspected regularly and routinely which seems unlikely when currently eight states⁴⁷ do not lay down the frequency with which the visitors must inspect the jails leaving it to the discretion of the visitor or the district magistrate. Even where the frequency is laid down, maximum number of states⁴⁸ provide for

37 District Magistrates are also mentioned as Collector and Divisional Magistrates in many states

38 Detenus are imprisoned under the order of the Executive Magistrate

39 A&N Islands, Arunachal Pradesh, Andhra Pradesh, Assam, Chhattisgarh, Daman & Diu, Goa, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Rajasthan, Tamil Nadu, Telangana, Tripura and West Bengal

40 Daman & Diu, Goa, Gujarat, Karnataka and Maharashtra

41 Meghalaya, Tripura, Gujarat, Chhattisgarh, Assam, Goa, West Bengal, Rajasthan, Maharashtra, Mizoram, Manipur, Arunachal Pradesh, Bihar and Nagaland

42 Andaman & Nicobar Islands, Delhi, Haryana, Himachal Pradesh, Kerala and Punjab

43 "Any person that the Government may think fit"

44 A&N Islands, Arunachal Pradesh, Bihar, Daman & Diu, Goa, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Puducherry, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand and West Bengal

45 A&N Islands, Arunachal Pradesh, Bihar, Kerala, Puducherry, Sikkim and Tamil Nadu

46 Bihar, Odisha, Puducherry, Tamil Nadu, Tripura and West Bengal

47 Chhattisgarh, D&N Haveli, Daman & Diu, Karnataka, Madhya Pradesh, Maharashtra, Puducherry and Sikkim

48 A&N Islands, Arunachal Pradesh, Delhi, Goa, Haryana, Himachal Pradesh, Jharkhand, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand

inspections to be conducted once a month. There are only seven states⁴⁹ that call for weekly inspections and six states⁵⁰ that prescribe fortnightly inspections.

4. Official Visitors

The ex-officio visitors also known as official visitors find representation in the Board by the virtue of the government offices they hold. This representation differs from state to state. It comes as no surprise that member/s from the judiciary figure as official visitors in the rules of 86% of the States, evidently because prisons in India are primarily places of judicial custody. The lowest representation, perplexingly, is sought from the department of employment at 5.7% indicating perhaps the negligible significance given to rehabilitation and integration into society.

Findings on Implementation

The overall picture of the prison visiting system in India is dismal, bleak and in need of immediate attention.

Only Meghalaya out of 29 states stands at 100% compliance to standards laid down in its rules regarding the appointment of NOVs, constitution of BOVs and meetings. All other states fall short of obedience to the legal mandates laid down in the prison rules. As a result there is little oversight of prisons, great neglect of facilities and breaches of rights that have remained unrepaired for decades.

The key findings on implementation are comparatively presented below:

1. Board of Visitors

- ✓ **Constitution** - Nearly half of the states⁵¹ (45%) had BOVs constituted in either all or some of their jails. But only four states⁵² had a board constituted in all their jails.
- ✓ **Meetings**
 - Seven states⁵³ held any meetings thus rendering the appointments

49 Andhra Pradesh, Gujarat, Odisha, Tamil Nadu, Telangana, Tripura and West Bengal

50 Assam, Kerala, Manipur, Meghalaya, Mizoram and Nagaland

51 Meghalaya, Chhattisgarh, Arunachal Pradesh, Uttarakhand, Tripura, Gujarat, Goa, Assam, Odisha, Rajasthan, Karnataka, West Bengal and Maharashtra

52 Meghalaya, Tripura, Chhattisgarh and Arunachal Pradesh

53 Meghalaya, Uttarakhand, Tripura, Gujarat, Goa, Odisha and Maharashtra

| S. No. | Name of State | Total Percentage of Implementation | Performance |
|--------|---------------------------|------------------------------------|-------------------|
| 1 | Meghalaya | 100% | Most Active |
| 2 | Chhattisgarh | 75% | |
| 3 | Arunachal Pradesh | 75% | |
| 4 | Uttarakhand | 69% | Very Active |
| 5 | Tripura | 69% | |
| 6 | Gujarat | 67% | |
| 7 | Goa | 67% | |
| 8 | Assam | 65% | |
| 9 | Odisha | 40% | Active |
| 10 | Rajasthan | 32% | |
| 11 | Delhi | 30% | |
| 12 | Karnataka | 28% | |
| 13 | West Bengal | 20% | Moderately Active |
| 14 | Maharashtra | 8% | |
| 15 | Telangana | 0 | Inactive |
| 16 | Himachal Pradesh | 0 | |
| 17 | Mizoram | 0 | |
| 18 | Sikkim | 0 | |
| 19 | Daman & Diu | 0 | |
| 20 | Manipur | 0 | |
| 21 | Puducherry | 0 | |
| 22 | Haryana | 0 | |
| 23 | Kerala | 0 | |
| 24 | Andaman & Nicobar Islands | 0 | |
| 25 | Jharkhand | 0 | |
| 26 | Bihar | 0 | |
| 27 | Punjab | 0 | |
| 28 | Nagaland | 0 | |
| 29 | Dadra & Nagar Haveli | 0 | |

in other states futile. In fact, Meghalaya is the only state where meetings were held in all the jails.

- Nationally, BOVs in only five out of 1382⁵⁴ jails in the country met in full compliance to their mandate which means not even 1% of jails in India were monitored properly.

2. Non-Official Visitors

✓ *Appointment*

- Only four states⁵⁵ had NOVs appointed in all their jails. Ten states⁵⁶ had NOVs appointed in some of their jails. The rest did not have any appointed.
- Six states⁵⁷ had appointed the full number of NOVs required. The rest had either not appointed any or appointed less than the number required by law.
- Himachal Pradesh and Mizoram had NOVs appointed till May and April, 2014 after which fresh appointments were not made. Similarly, in Sikkim⁵⁸, Daman & Diu⁵⁹, Manipur⁶⁰ and Puducherry⁶¹ appointments were made in the past but on their expiry, the procedure for new appointments was not initiated.

✓ *Selection Criteria*

- In most states criteria for the appointment of NOVs are broad. Requirements for the position in prison manuals range from answering questions on basic literacy to unclear and inane questions about the applicant's interest in becoming a NOV. Where notification of appointments did not carry designation or professions of the visitors it was not possible to gauge whether the states had in fact followed laid down criteria. However, out of the states that put such information on their notifications only Goa, Gujarat and Karnataka followed the criteria laid in the rules.
- Despite no formal criteria for appointing NOV's in the prison manuals of Assam, Meghalaya and Odisha, doctors, lawyers, journalists, ministers, retired judges, social workers and even members of Red Cross were appointed in these states. Similarly, the practice of appointing government medical officers as NOVs was seen across all jails of Chhattisgarh even when no such criterion is laid down in the rules. On an unusual note, the lack of appointment criteria in Tripura led to the appointment of members of various self-government institutions such as *zilla parishad*⁶², municipal councils⁶³, *nagar panchayet*⁶⁴, *panchayat samiti*⁶⁵ and members of various political parties such as the Revolutionary Socialist Party and Communist Party of India (Marxist) as NOVs. Of all the jails in Tripura, only three had an advocate, headmaster and a journalist as NOVs displaying the only hint of independence.

54 4 in Meghalaya and 1 in Goa

55 Meghalaya, Arunachal Pradesh, Chhattisgarh and Tripura

56 Uttarakhand, Gujarat, Goa, Assam, Odisha, Rajasthan, Delhi Karnataka, West Bengal and Maharashtra

57 Meghalaya, Chhattisgarh, Arunachal Pradesh, Goa, Odisha and Karnataka

58 Expired on 1-02-2013 02-02-2010

59 Expired on 25-10-2010

60 Expired on 9-10-2008

61 Expired on 14-07-2006

62 Zilla Parishad is an institution of self-government constituted under Article 243B of the Constitution of India that represents the district level. All the seats in a nagar panchayet is filled by persons chosen by direct election from territorial constituencies in the Panchayat area

63 Municipal council is an institution of self-government constituted under Article 243Q (b) of the Constitution of India for a smaller urban area. All seats of municipal councils is filled by persons chosen by direct election from the territorial constituencies in the Municipal area

64 Nagar Panchayat is an institution of self-government constituted under Article 243Q (a) of the Constitution of India for transitional areas, that is to say, an area in transition from a rural area to an urban area. All the seats in a nagar panchayat is filled by persons chosen by direct election from the territorial constituencies in the Municipal area

65 Panchayat Samiti also known as Block Advisory Committee is an institution of self-government constituted under Article 243B of the Constitution of India that represents the intermediate or block level. Each district is divided into several blocks and every block has a panchayat samiti

3. Maintenance of Records

This report is based on information received through RTI applications filed in all the states on 12th November, 2014. The information CHRI sought was all the information which is required to be in the public domain under Section 4 of the RTI. Prior to requesting information, CHRI scoured all prison websites. Here we found that hardly any states had information on the current status of prison visitors and even those who had some information did not update it regularly. In order to ensure as complete information as possible we filed applications with all states. We did not receive any information at all from Tamil Nadu, Jammu & Kashmir and Andhra Pradesh despite going into appeal. Madhya Pradesh rejected our application. From Chhattisgarh, West Bengal, Dadra & Nagar Haveli, Himachal Pradesh, Andaman & Nicobar Islands, Puducherry, Karnataka and Delhi, we received information well after the legal time limit was over. Haryana, Himachal Pradesh, Goa, Odisha and Punjab states provided partial or incomplete information. Andaman and Nicobar Islands, Assam, Arunachal Pradesh, Bihar, Chhattisgarh, Daman and Diu, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Telangana, Tripura and West Bengal provided consolidated information. Other states such as Uttar Pradesh and Bihar either transferred the request to their respective jail superintendents or disposed our application asking us to file a fresh application with each and every jail in the state.

A detailed table of the routing and quantity of information received is given below:

NUMBER OF FIRST RTI APPLICATIONS AND FIRST RESPONSES

| Note: "State" or "States" mentioned throughout the document signify both states and union territory (UT) | States where RTI was sent | States that responded | States that did not respond | States that rejected | After rejection, States that later responded to second RTI |
|--|--|--|--------------------------------|---|--|
| No. of States | 34* | 28 | 2 | 4 | 2 |
| Names of States | Andaman and Nicobar Islands, Andhra Pradesh, Assam, Arunachal Pradesh, Bihar, Chhattisgarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Puducherry, Punjab, Uttarakhand, Uttar Pradesh, Sikkim, Tamil Nadu, Tripura, West Bengal, Rajasthan* | Andaman and Nicobar Islands, Assam, Arunachal Pradesh, Chhattisgarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Punjab, Uttarakhand, Uttar Pradesh, Sikkim, Telangana, Tripura, West Bengal, Rajasthan | Andhra Pradesh, and Tamil Nadu | Madhya Pradesh, Jammu and Kashmir, Bihar and Odisha | Bihar and Odisha |

*The state of Telangana was newly formed in September 2014 and now has Hyderabad as its capital which was previously located in Andhra Pradesh. This led Telangana to reply through its Hyderabad prison headquarters. However, the state of Andhra Pradesh, which still shared the same prison headquarters, did not reply.

*RTI application to all jails of Rajasthan was sent in June, 2014 the replies to which were received till September, 2014.

NATURE OF RESPONSE RECEIVED

| | Consolidated response on all jails within jurisdiction | Separate response from all jails within state jurisdiction | | | Rejection Letters |
|-----------------|---|--|--|---------------------|--------------------------------------|
| No. of States | 22 | 7 | | | 2 |
| Names of States | Andaman and Nicobar Islands, Assam, Arunachal Pradesh, Bihar, Chhattisgarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Telangana, Tripura, Uttar Pradesh and West Bengal | Transferred within 5 days of receipt | Within 20 days | 20-30 days | Jammu and Kashmir and Madhya Pradesh |
| | | Maharashtra | Himachal Pradesh, Uttarakhand, Haryana | Goa, Odisha, Punjab | |

TIME TAKEN FOR THE FIRST RESPONSE

| | Within 30 days from the receipt of application | 30 to 40 days | 40 days to 70 days | More than 100 days |
|-----------------|---|------------------------|---|--------------------|
| No. of States | 25 | 2 | 3 | 1 |
| Names of States | Assam, Arunachal Pradesh, Bihar, Dadra and Nagar Haveli, Daman and Diu, Goa, Gujarat, Haryana, Himachal Pradesh, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Sikkim, Telangana, Tripura, Uttarakhand, Jammu and Kashmir, Jharkhand, Uttar Pradesh, Punjab | Chhattisgarh and Delhi | Andaman and Nicobar Islands, Karnataka and Puducherry | West Bengal |

REASONS FOR DELAY (AS GATHERED FROM OPEN CONVERSATION WITH PIO)

| | Time to consolidate information | Lack of personnel | Non receipt of RTI application that needed to be re-sent | No Reason Given |
|-----------------|---------------------------------|-------------------|--|---|
| No. of States | 1 | 1 | 4 | 4 |
| Names of States | West Bengal | Daman and Diu | Himachal Pradesh, Mizoram, Karnataka, Puducherry | Andaman and Nicobar Islands, Jharkhand, Punjab, Uttar Pradesh |

NATURE OF INFORMATION RECEIVED

| | Full information received | Partial information received* | No information received |
|-----------------|---|--|---|
| No. of States | 19 | 6 | 7 |
| Names of States | Andaman and Nicobar Islands, Assam, Arunachal Pradesh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Telangana, Tripura and West Bengal | Haryana, Himachal Pradesh, Goa, Maharashtra, Odisha and Punjab | Andhra Pradesh, Bihar, Jammu & Kashmir, Madhya Pradesh, Tamil Nadu, Uttarakhand and Uttar Pradesh |

*This relates to those states that transferred the RTI application to all the jails in their state but the applicant did not receive responses from all of them.

REASONS FOR PARTIAL INFORMATION

| | Application request was not time specific | Clarification on RTI was needed | Required an RTI application form prescribed by state |
|-----------------|---|---------------------------------|--|
| No. of States | 1 | 1 | 1 |
| Names of States | Maharashtra (Nagpur city) | Punjab (Ferozepur) | Odisha |

REASONS GIVEN FOR REJECTION

| | Information not related to Jail Headquarters | Rejected under Section 3 of the J& K State RTI Act* |
|-----------------|--|---|
| No. of States | 1 | 1 |
| Names of States | Madhya Pradesh | Jammu and Kashmir |

*Section 3 of the J&K State RTI Act, 2009, states that any person residing in the state has the right to information. Hence, response to RTI application is subject to where the person is resident.

CHALLENGES FACED BY THE APPLICANT

| | Mode of Payment | PIO address not publicly disclosed | Prescribed formats not easily accessible | Administrative inefficiency | Language problems | Non-cooperativeness of PIO | Non-response to RTI and Appeal |
|-----------------|---|---|---|---|---|--|--|
| Explanation | Each state or union territory has a different mode of payment for sending the RTI application. When a state/ UT does not display the rules of procedure on the prisons department website, it creates delay and difficulty for the applicant. This occurred with regards to filing the RTI at the Kerala Prisons Headquarters which asked for 'treasury challan' which is unavailable in big cities like Delhi. It was only after much persuasion during the open conversation with the PIO's office that other possible modes of payment were made available to the applicant. | Few states that do not have prison websites make it difficult to trace the postal address of the PIO's office. This problem mainly occurred among the North Eastern States and Andhra Pradesh (which was bifurcated into two states last year). | Again, due to lack of disclosure, the proper formats for RTI applications in the particular state could not be retrieved. This led to re-filing of RTIs and loss of valuable time and effort. | Losing track of which RTI application required payment of fees caused much confusion in the PIO's office. The partial information caused due to scattered replies from various jails across a state also attributes to the administrative inefficiency. | In many PIO offices, the staff that handles open conversations with the applicant is usually unable to speak in anything but their native language. This creates obstacles in attaining the required information. | The PIO can sometimes show lack of concern for his duty. The level of openness of the PIO to deal with applications can either be a bane or a boon to the applicant. This is against the spirit of the RTI act as his duty is to publicly disclose documents pertaining to public interest. Adequate training of the PIO in the RTI act is necessary to do away with such hurdles. | The non-cooperativeness of the PIO can lead to no response to a RTI request and appeal. Both the RTI requests and appeals sent to the Tamil Nadu prisons department and Jammu and Kashmir prisons department, have neither been replied to nor receipt acknowledged. |
| No. of States | 1 | 3 | 2 | 3 | 2 | 2 | 2 |
| Names of States | Kerala | Andhra Pradesh, Arunachal Pradesh and Manipur | Bihar and Odisha | Odisha, Punjab and Maharashtra | Tamil Nadu, Karnataka and Kerala | Tamil Nadu and Jammu and Kashmir | Tamil Nadu and Jammu and Kashmir. |

STATE REPORT CARDS

HOW TO READ A REPORT CARD

The report card has been presented in a simple and easy to understand manner. The relevance and meaning of each of the report card is explained as follows:

1. Top Ribbon

The green coloured top ribbon is divided into two sections. The section on the left carries the name of the state whose performance is being assessed. The section on the right presents the division of central, district and sub - jails; the total number of jail inspections made by the executive, judiciary, medical and others and the total population of undertrials and convicts in that state. The data is taken from the Prison Statistics of India - 2014.

2. 2nd Row

This row is again divided into two sections which are further divided into three sub-sections and two sub-sections each. The first section describes the mandate for non-official visitors (NOVs) under which the relevant legislation and chapter that covers the theme of prison visitors in that state, the number of NOVs in each jail and their tenure is mentioned. The second section covers the mandate for board of visitors (BOVs) under which the composition of the board and the frequency of their meetings are given. The relevant rules for all these heads are also provided.

3. 3rd Row

This row deals with the performance of the state with regards to appointment of NOVs and constitution of BOVs.

Appointment of NOVs

- Right under the mandate for NOVs, the total number of jails that have appointed NOVs is mentioned along with the total number of jails. It also covers the date of their appointment and the number of NOVs appointed in each of those jails.

Constitution of BOVs

- Right under the mandate for BOVs, the total number of jails that have constituted BOVs is mentioned along with the total number of jails. It also covers the date of their constitution and the number of meetings conducted by the boards out of the total number of meetings that should have been conducted.

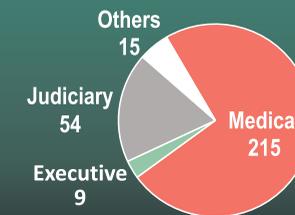
4. Last Row

This row is also divided into two sections. The first section takes into account other indicators on which the state is not scored such as the appointment criteria for NOVs, composition criteria for BOVs, gender balance, remuneration of NOVs and display of names of visitors on a board. Since information was not sought on the last two heads, only the statutory findings are mentioned. It could either be 'Mandated' which would mean that the remuneration or display of names is provided or 'Mandate Required', which would mean that it is not provided. For the first three, however since the information was sought, the compliance is also mentioned, i.e. whether it was followed or not. The second section lays down the addition of scoring and finally provides the average score to that state.

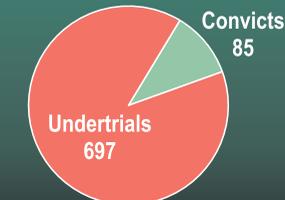
MEGHALAYA



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter III, Rules for Management of Jails in Assam

No. of NOVs

District jail - 4
Sub jail - 2

Rule 20

Tenure

2 years

Rule 20

MANDATE FOR BOV

Composition

District jail - Chief Judicial Magistrate and 4 NOVs with District Magistrate as Chairman
Sub - jail - Sub-divisional Judicial Magistrate and 2 NOVs with Sub-Divisional Officer as Chairman

Rule 20

Frequency of Meetings

Quarterly meetings

Rule 21

PERFORMANCE OF NOV

Jails with NOVs

4/4

100%

Date of Appointment

17-4-2014

No. of NOVs

4
in each jail

100%

PERFORMANCE OF BOV

Jails with BOVs

4/4

100%

Date of Constitution

17-4-2014

Total No. of Meetings

16/12

100%

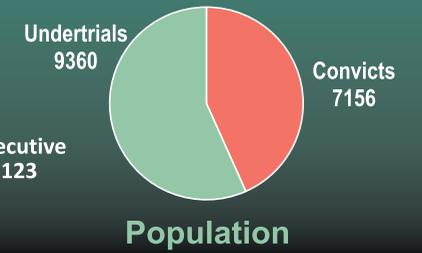
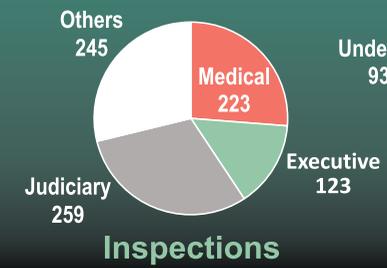
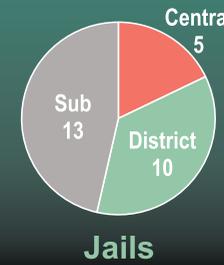
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|--------------|
| Appointment Criteria for NOVs | Mandate Required | - |
| Composition Criteria for BOVs | Mandated | Not followed |
| Gender Specification | Mandated* | Followed |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

*Optional requirement under Rule 25

100% + 100% + 100% + 100% =

100%

CHHATTISGARH



MANDATE FOR NOV

Relevant Legislation

Part XVII,
Madhya Pradesh Jail
Manual, 1987

No. of NOVs

Central jail - 6
District jail - 3
Sub jail - 2

Rule 815(1)

Tenure

3 years

Rule 815(2)

MANDATE FOR BOV

Composition

1 OV and 2 NOVs with
Collector as Chairman

Rule 815(3)

Frequency of Meetings

Quarterly meetings

Rule 815(3)

PERFORMANCE OF NOV

Jails with NOVs

28/28

100%

Date of Appointment

18-4-2013

No. of NOVs

4 Central jails - 8
1 Central jail - 7
5 District jails - 3
13 Sub jails - 2

100%

PERFORMANCE OF BOV

Jails with BOVs

28/28

100%

Date of Constitution

18-4-2013

Total No. of Meetings

Not provided

0%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|--------------|
| Appointment Criteria for NOVs | Mandated | Immeasurable |
| Composition Criteria for BOVs | Mandated | Followed |
| Gender Specification | Mandate Required | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

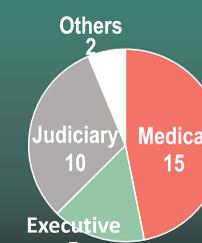
$$100\% + 100\% + 0\% + 100\% =$$

75%

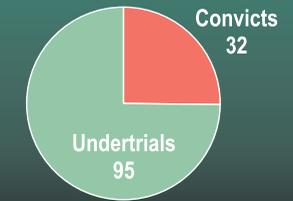
ARUNACHAL PRADESH



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter XXVII of the Arunachal Pradesh Jail Manual

No. of NOVs

3 MLAs + 1 nominee of the State Commission for Women + 2 social workers of the District/Sub-Division of whom 1 must be a woman

Rule 1286

Tenure

2 years

Rule 1300

MANDATE FOR BOV

Composition

All ovs and NOVs with District Judge as the Chairman on the District level and Sub-Divisional Judicial Magistrate on Sub-divisional level

Rule 1283

Frequency of Meetings

Quarterly meetings

Rule 1287

PERFORMANCE OF NOV

Jails with NOVs

1/1

100%

Date of Appointment

12-11-2012

No. of NOVs

6

100%

PERFORMANCE OF BOV

Jails with BOVs

1/1

100%

Date of Constitution

12-11-2012

Total No. of Meetings

0

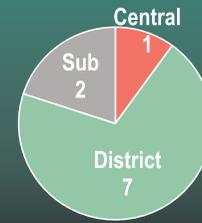
0%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | Followed |
| Composition Criteria for BOVs | Mandated | Followed |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

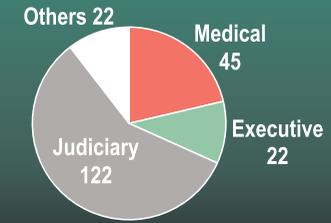
$$100\% + 100\% + 100\% + 0\% =$$

75%

UTTARAKHAND



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter 25,
Uttar Pradesh
Jail Manual

No. of NOVs

As recommended by the District
Committees of the United Provinces
Discharged Prisoners Aid Society
through District Magistrate
and Commissioners+ MLAs

Rule 669

Tenure

2 years

Rule 671

MANDATE FOR BOV

Composition

All visitors with District Magistrate
as the Chairman in Almora and Garwhal
and Session or Additional Sessions
Judge as Chairman in rest of the districts

Rule 674

Frequency of Meetings

Bi-annually or Special
meetings with the
permission of the president,
at the requisition of at least
3 members.

Rule 674

PERFORMANCE OF NOV

Jails with NOVs

9/10

90%

Date of Appointment

Latest on
26-11-2014

No. of NOVs

1 District jail - 17
1 District jail - 15
1 District jail - 9
1 District jail - 3
3 District jails - 2
1 Sub jail - 10
1 Sub jail - 3

NA

Jails with BOVs

9/10

90%

Date of Constitution

Earliest on
1-5-2013
Latest on
26-5-2015

Total No. of Meetings

9/33

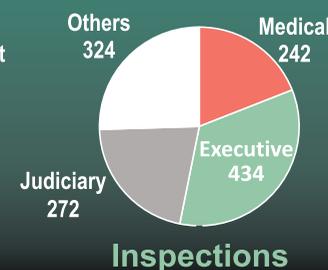
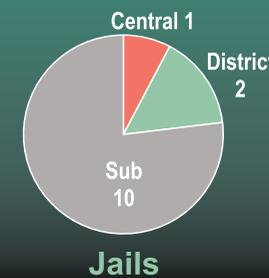
27%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | Followed |
| Composition Criteria for BOVs | Mandate Required | - |
| Gender Specification | Mandate Required | - |
| Display of Visitors' Names on a Board | Mandated | |
| Remuneration for NOVs | Mandate Required | - |

90% + NA + 90% + 27% =

69%

TRIPURA



MANDATE FOR NOV

Relevant Legislation

Chapter IV, Visitors, Bengal Jail Code

No. of NOVs

Central jail-12
District jail- 7
Sub jail- 4

Rule 56(1) & (2)

Tenure

2 years

Rule 56 (2)

MANDATE FOR BOV

Composition

Resident Officers among the OVs and NOVs with District or Sub-Divisional magistrate as Chairman

Rule 58

Frequency of Meetings

Quarterly meetings

Rule 58

PERFORMANCE OF NOV

Jails with NOVs

13/13

100%

Date of Appointment

26-8-2014

No. of NOVs

1 Central jail - 8
2 District jails - 7
10 Sub jails - 7

67%

PERFORMANCE OF BOV

Jails with BOVs

13/13

100%

Date of Constitution

26-8-2014

Total No. of Meetings

1/13

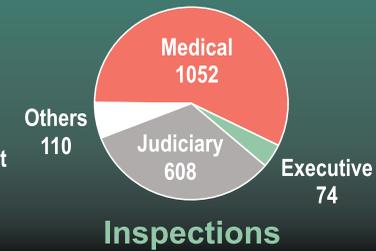
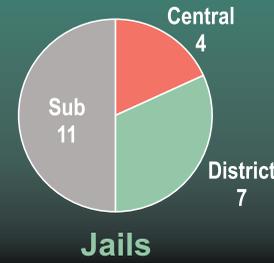
8%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|--------------|
| Appointment Criteria for NOVs | Mandated | Immeasurable |
| Composition Criteria for BOVs | Mandate Required | - |
| Gender Specification | Not Provided | - |
| Display of Visitors' Names on a Board | Mandated | |
| Remuneration for NOVs | Mandate Required | - |

$$100\% + 100\% + 8\% + 67\% =$$

69%

GUJARAT



MANDATE FOR NOV

Relevant Legislation

Chapter XV,
Gujarat Jail Manual

No. of NOVs

Central jail - 10
District jail - 6
Sub jail - 4

Rule 404-A

Tenure

3 years

Rule 404-A

MANDATE FOR BOV

Composition

All OV's and NOV's

Rule 403

Frequency of Meetings

Quarterly meetings in
the months of January,
April, July and October

Rule 413

PERFORMANCE OF NOV

Jails with NOVs

20/22

91%

Date of Appointment

Latest on
12-9-2014

No. of NOVs

2 Central jails - 10
1 Central jail - 7
7 District jails - 6
3 Sub jails - 6
5 Sub jails - 4
2 Sub jails - 3

65%

PERFORMANCE OF BOV

Jails with BOVs

20/22

91%

Date of Constitution

Latest on
12-9-2014

Total No. of Meetings

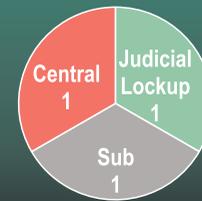
16/77

21%

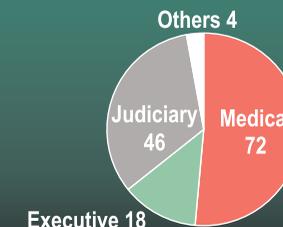
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOV's | Mandated | Followed |
| Composition Criteria for BOV's | Mandated | Followed |
| Gender Specification | Mandated | Followed |
| Display of Visitors' Names on a Board | Not Mandated | - |
| Remuneration for NOV's | Not Mandated | - |

$$91\% + 21\% + 65\% + 91\% =$$

67%



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter XIX,
Goa Prisons Rule, 2006

No. of NOVs

6 (3 MLAs of whom
1 must be a woman +
1 nominee from State
Commission for Women +
2 social workers of the
District/Sub-Division of whom
1 must be a woman)

Rule 20

Tenure

2 years

Rule 379 (3)

MANDATE FOR BOV

Composition

All OV's and NOV's

Rule 376

Frequency of Meetings

Quarterly meetings in
the months of January,
April, July and October

Rule 385

PERFORMANCE OF NOV

Jails with NOV's

1/3

33%

Date of Appointment

16-10-2014

No. of NOV's

6 of whom
4 are women

100%

PERFORMANCE OF BOV

Jails with BOV's

1/3

33%

Date of Constitution

16-10-2014

Total No. of Meetings

7/1*

*1 meeting was mandated,
7 were held

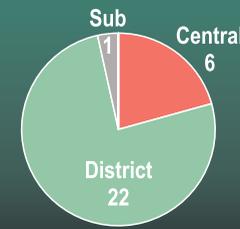
100%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOV's | Mandated | Followed |
| Composition Criteria for BOV's | Mandate Required | - |
| Gender Specification | Mandate Required | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOV's | Mandate Required | - |

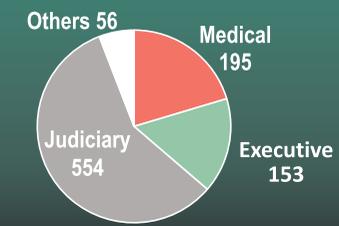
$$33\% + 100\% + 33\% + 100\% =$$

67%

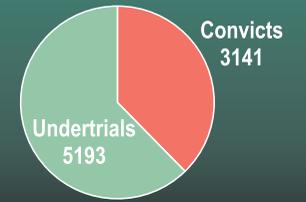
ASSAM



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter III of Assam Prison Manual

No. of NOVs

District jail - 4
Sub jail - 2

Rule 20

Tenure

2 years

Rule 20

MANDATE FOR BOV

Composition

District jail: - 4 NOVs, Chief Judicial Magistrate and District Magistrate as the Chairman
Sub - jail: - 2 NOVs, Sub-Divisional Judicial Magistrate and Sub-Divisional Officer as Magistrate

Rule 20

Frequency of Meetings

Quarterly meetings

Rule 21

PERFORMANCE OF NOV

Jails with NOVs

27/29

93%

Date of Appointment

20-10-2014

No. of NOVs

6 Central jails - 4
2 District jails - 5
13 District jails - 4
1 District jail - 3
4 District jails - 2
1 Sub - jail - 2

75%

PERFORMANCE OF BOV

Jails with BOVs

27/29

93%

Date of Constitution

20-10-2014

Total No. of Meetings

0

0%

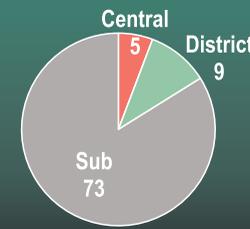
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandate Required | - |
| Composition Criteria for BOVs | Mandated | Followed |
| Gender Specification | Mandated* | Followed |
| Display of Visitors' Names on a Board | Mandate Required | |
| Remuneration for NOVs | Mandate Required | - |

*Optional requirement under Rule 25

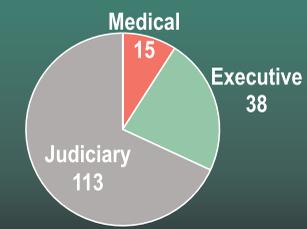
$$93\% + 75\% + 93\% + 0\% =$$

65%

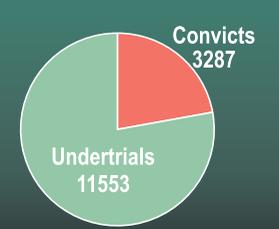
ODISHA



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter IV,
Orissa jail manual

No. of NOVs

Central-6 (3 MLAs + 3 Govt. Nominees of whom 2 must be women) District- 5 (2 MLAs + 3 Govt. Nominees of whom 1 must be a woman)

Rule 42

Tenure

2 years

Rule 43

MANDATE FOR BOV

Composition

All OV and NOV with District Magistrate as Chairman

Rule 45

Frequency of Meetings

Quarterly meetings under prior consultation with the District Magistrate

Rule 46

PERFORMANCE OF NOV

Jails with NOVs

16/87

18%

Date of Appointment

Earliest on
16-3-2013
Latest on
29-5-2015

No. of NOVs

1 Central jail - 6
4 District jails - 5
1 District jail - 6
1 Sub jail - 7
9 Sub jails - 5
1 Sub jail - 3

100%

PERFORMANCE OF BOV

Jails with BOVs

16/87

18%

Date of Constitution

Latest on
29-5-2015

Total No. of Meetings

13/59

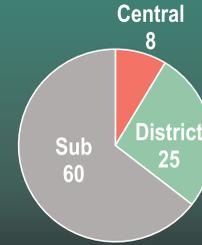
22%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|--------------|
| Appointment Criteria for NOVs | Mandated | Not followed |
| Composition Criteria for BOVs | Mandate Required | - |
| Gender Specification | Mandated | Not followed |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

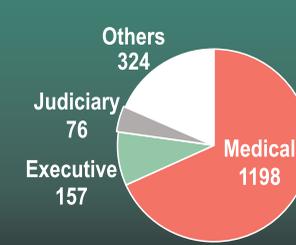
18% + 100% + 18% + 22% =

40%

RAJASTHAN



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Part 23 of the Rajasthan Prison Rules, 1951

No. of NOVs

Central jail - 6
District jail - 3
Sub - jail - 2

Rule 3

Tenure

2 years

Rule 4

MANDATE FOR BOV

Composition

2 OVs and 2 NOVs with Collector and District Magistrate as Chairman

Rule 7

Frequency of Meetings

Quarterly meetings

Rule 8

PERFORMANCE OF NOV

Jails with NOVs

28/93

30%

Date of Appointment

Latest on
4-1-2013

No. of NOVs

2 Central jails - 6
6 District jails - 3
1 District jail - 2
1 District jail - 1
16 Sub - jails - 2
2 Sub - jails - 1

88%

Jails with BOVs

7/93

8%

Date of Constitution

Not provided

Total No. of Meetings

1

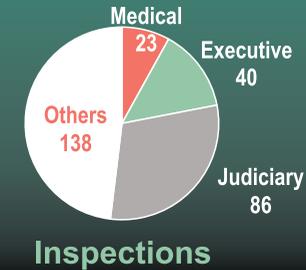
0%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|--------------|
| Appointment Criteria for NOVs | Mandated | Immeasurable |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandated | - |
| Remuneration for NOVs | Mandate Required | - |

$$30\% + 88\% + 8\% + 0 =$$

32%

National Capital Territory of Delhi



MANDATE FOR NOV

Relevant Legislation

Delhi Prisons
(Visitors of Prisons)
Rules, 1988
No. F. 9/75/87-Home
(General)/III

No. of NOVs

As many as the
Administrator thinks fit

Rule 5(1)

Tenure

2 years

Rule 5(2)

MANDATE FOR BOV

Composition

At least 2 OVs and 1 NOV with
District Magistrate as Chairman

Rule 12

Frequency of Meetings

Days determined by the
District Magistrate

Rule 12

PERFORMANCE OF NOV

Jails with NOVs

8/9

89%

Date of Appointment

18-3-2014

No. of NOVs

7 of whom
2 are women

NA

PERFORMANCE OF BOV

Jails with BOVs

0/9

0%

Date of Constitution

18-3-2014

Total No. of Meetings

0

0%

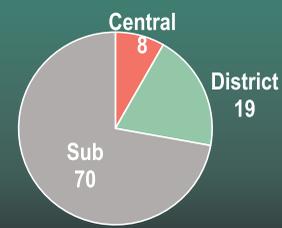
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | Followed |
| Composition Criteria for BOVs | Mandated | Followed |
| Gender Specification | Mandated | Followed |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

0% + NA + 89% + 0%

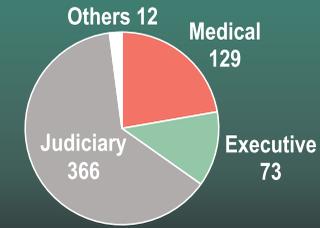
=

30%

KARNATAKA



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter XXV,
Karnataka Prison Rules,
1974

No. of NOVs

Central jail - 10
District jail - 6

Rule 187

Tenure

2 years for Govt.
Nominees and Annual or
Bi-annual Appointments
for MLAs

Rule 187 (4)

MANDATE FOR BOV

Composition

All OV and NOV with
Deputy Commissioner
as the Chairman

Rule 186(1) + Rule 187(6)

Frequency of Meetings

Quarterly meetings
during the months
of January, April, July
and October

Rule 187(6)

PERFORMANCE OF NOV

Jails with NOVs

6/97

6%

Date of Appointment

8-1-2015

No. of NOVs

Central jail - 10
of whom 2 are women
District jail - 6
of whom 2 are women

100%

PERFORMANCE OF BOV

Jails with BOVs

6/97

6%

Date of Constitution

8-1-2015

Total No. of Meetings

0

0%

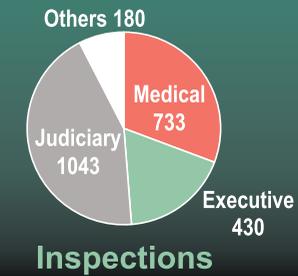
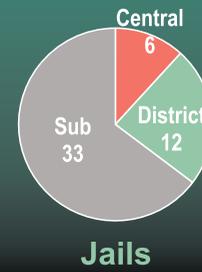
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | Followed |
| Composition Criteria for BOVs | Mandate Required | - |
| Gender Specification | Mandated | Followed |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

6% + 100% + 6% + 0%

=

28%

WEST BENGAL



MANDATE FOR NOV

Relevant Legislation

Section 30 of West Bengal Correctional Services Act read with Rules 55 & 56 of West Bengal Jail Code

No. of NOVs

Central jail - 15
District jail - 9
Sub - jail - 5

Rule 56(1), (2) & (4)

Tenure

2 years

Rule 56

MANDATE FOR BOV

Composition

Resident Officers amongst OV's and NOV's with one mandatory woman with District Magistrate or Sub-Divisional Magistrate as the Chairman

Section 30 (1) and Rule 58

Frequency of Meetings

Quarterly meeting

Rule 58

PERFORMANCE OF NOV

Jails with NOVs

20/51

39%

Date of Appointment

Latest on
9-10-2014

No. of NOVs

1 Central CH - 1, 1 Central CH - 5
2 District CH - 2, 1 District CH - 4
1 District CH - 5, 1 District CH - 6
1 District CH - 7
3 Sub CH - 2, 3 Sub CH - 4
5 Sub CH - 3, 1 Sub CH - 1

0%

PERFORMANCE OF BOV

Jails with BOVs

20/51

39%

Date of Constitution

Latest on
9-10-2014

Total No. of Meetings

Not Provided

0%

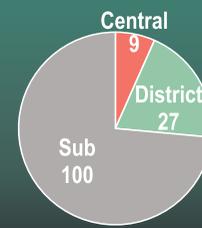
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOV's | Mandated | Followed |
| Composition Criteria for BOV's | Mandate Required | - |
| Gender Specification | Mandated | Followed |
| Display of Visitors' Names on a Board | Mandated | |
| Remuneration for NOV's | Mandated | - |

39% + 0 + 39% + 0

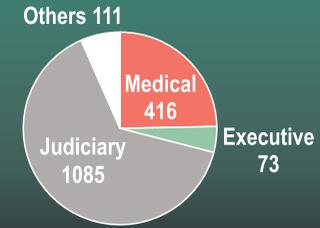
=

20%

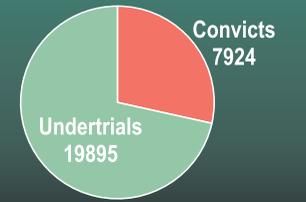
MAHARASHTRA



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter XV,
Prison Visitors,
Maharashtra
Prison Rule, 1962

No. of NOVs

Central jail - 9
District jail - 6
Sub - jail - 4

Rule 5

Tenure

3 years for Govt.
Nominees and
1 year for MLA

Rule 6(iv)

MANDATE FOR BOV

Composition

All OV and NOV with District
Magistrate as Chairman

Rule 3 and 7

Frequency of Meetings

Quarterly meetings
in the months of January,
April, July and October

Rule 11(i)

PERFORMANCE OF NOV

Jails with NOVs

2/136

1%

Date of Appointment

Latest on
2-15-2013

No. of NOVs

Yerawada Central Prison - 5
of whom 3 are women
Thane Central Prison - 8 of
whom 3 are MLAs,
5 are social workers
and 2 are women

0%

Jails with BOVs

2/136

1%

Date of Constitution

Latest on
2-15-2013

Total No. of Meetings

2/7

29%

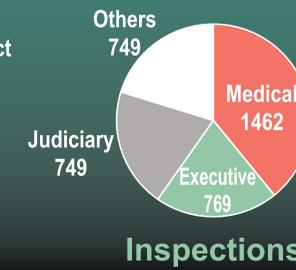
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | Followed |
| Composition Criteria for BOVs | Mandate Required | - |
| Gender Specification | Mandated | Followed |
| Display of Visitors' Names on a Board | Mandated | - |
| Remuneration for NOVs | Mandated | - |

1% + 1% + 29% + 0

=

3%

TELANGANA



MANDATE FOR NOV

Relevant Legislation

The Andhra Pradesh prison rules

No. of NOVs

Central and Special jail - 6 + 2 women
District jail - 3 + 1 woman
Rajahmundry Women's Jail - 5 women

Rule 27 (2)

Tenure

2 years

Rule 27(4)

MANDATE FOR BOV

Composition

All OVs, NOVs and Ex-Officio NOVs with District Magistrate as the Magistrate.

Rule 28(1)

Frequency of Meetings

Quarterly meetings on such day as the Chairman determines.

Rule 28(1)

PERFORMANCE OF NOV

Jails with NOVs

0/43

0%

Date of Appointment

NA

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/43

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

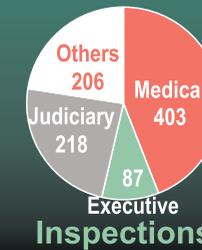
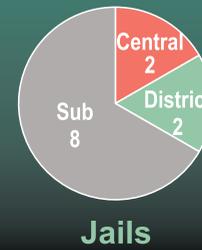
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandate Required | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandated | - |
| Remuneration for NOVs | Mandate Required | - |

0% + 0% + 0% + 0%

=

0%

HIMACHAL PRADESH



MANDATE FOR NOV

Relevant Legislation

Chapter 6 of the Manual for the Superintendence and Management of Jails in Himachal Pradesh

No. of NOVs

As many as the state government thinks fit

Rule 40 (1)

Tenure

2 years

Rule 40 (2)

MANDATE FOR BOV

Composition

2 OVs and 1 NOV with District Magistrate as Chairman

Rule 43

Frequency of Meetings

On days as determined by the District Magistrate.

Rule 43

PERFORMANCE OF NOV

Jails with NOVs

0/12

0%

Date of Appointment

30-5-2012

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/12

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

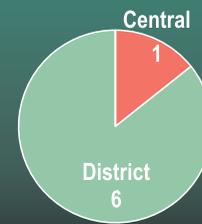
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

0% + 0% + 0% + 0%

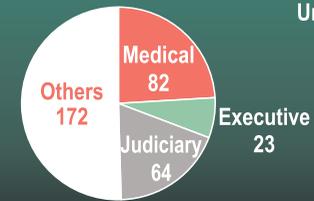
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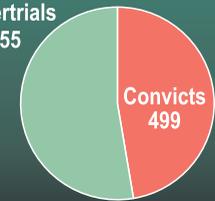
MIZORAM



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter III, Rules for Management of Jails in Assam

No. of NOVs

District jail - 4
Sub jail - 2

Rule 20

Tenure

2 years

Rule 20

MANDATE FOR BOV

Composition

District jail: - 4 NOVs, Chief Judicial Magistrate and District Magistrate as the Chairman
Sub - jail - 2 NOVs, Sub-Divisional Judicial Magistrate and Sub-Divisional Officer as Magistrate

Rule 20

Frequency of Meetings

Quarterly meetings

Rule 21

PERFORMANCE OF NOV

Jails with NOVs

0/7

0%

Date of Appointment

16-4-2012

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/7

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated* | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

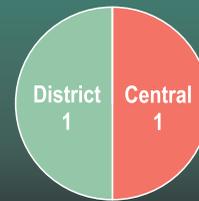
*Optional requirement under Rule 25

0% + 0% + 0% + 0%

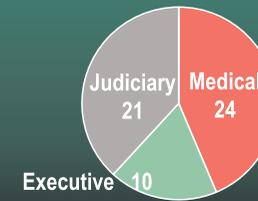
=

0%

SIKKIM



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter XV, Sikkim Prison Manual, 2010

No. of NOVs

1 MLA + 1 nominee of the State Council for Women +2 social workers of the district of whom 1 must be a woman

Rule 15.04

Tenure

3 years

Rule 15.16

MANDATE FOR BOV

Composition

All OV and NOV with District Magistrate as the Chairman

Rule 15.01 and 15.05

Frequency of Meetings

Bi-annual meetings

Rule 15.06

PERFORMANCE OF NOV

Jails with NOVs

0/2

0%

Date of Appointment

2-2-2010

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/7

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandated | - |

0% + 0% + 0% + 0%

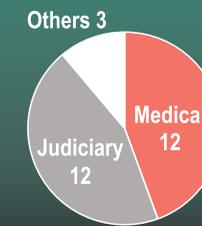
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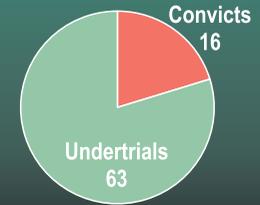
DAMAN & DIU



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Daman and Diu Visitors of Prison Rules, 2002
Notification No. HD/SJDM/BOV/02-03/34 dated 26.04.2002 issued by the Administration of Daman and Diu, Home Department

No. of NOVs

2 of whom 1 must be a woman

Rule 5

Tenure

3 years

Rule 6 (2)

MANDATE FOR BOV

Composition

All OV and NOV with District Magistrate as the Chairman. In the absence of District Magistrate, Chief Judicial Magistrate presides over the meeting

Rule 3 and Rule 5

Frequency of Meetings

Quarterly meetings in the months of January, April, July and October
Rule 11 (1)

Rule 11 (1)

PERFORMANCE OF NOV

Jails with NOVs

0/2

0%

Date of Appointment

26-10-2007

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/2

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

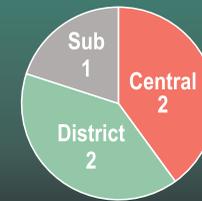
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandated | - |
| Remuneration for NOVs | Mandate Required | - |

0% + 0% + 0% + 0%

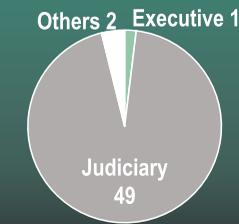
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0%

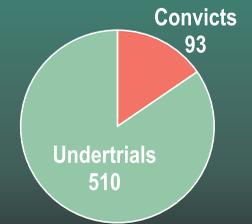
MANIPUR



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter III,
Rules for Management
of Jails in Assam

No. of NOVs

District jail - 4
Sub - jail - 2

Rule 20

Tenure

2 years

Rule 20

MANDATE FOR BOV

Composition

District jail: - 4 NOVs, Chief Judicial Magistrate and
District Magistrate as the Chairman
Sub - jail - 2 NOVs, Sub-Divisional Judicial Magistrate
and Sub-Divisional Officer as Magistrate

Rule 20

Frequency of Meetings

Quarterly visit

Rule 21

PERFORMANCE OF NOV

Jails with NOVs

0/5

0%

Date of Appointment

10-10-2006

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/5

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated* | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

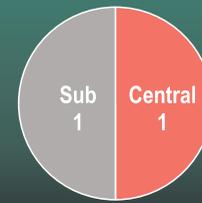
*Optional requirement under Rule 25

0% + 0% + 0% + 0%

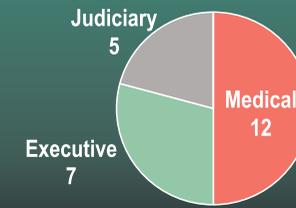
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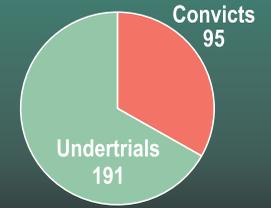
PUDUCHERRY



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Board of Visitors,
Pondicherry prison rules,
1969

No. of NOVs

Any from:
MLAs/ MPs, 1 doctor,
1 lawyer, 1 other, 2 women
or women social workers)

Rule 9

Tenure

2 years

Rule 10

MANDATE FOR BOV

Composition

All OV and NOV with
District Magistrate as Chairman

Rule 11 and 12

Frequency of Meetings

Not provided

PERFORMANCE OF NOV

Jails with NOVs

0/2

0%

Date of Appointment

15-7-2004

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/2

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

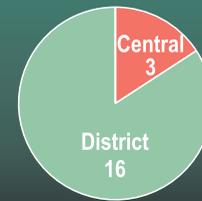
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

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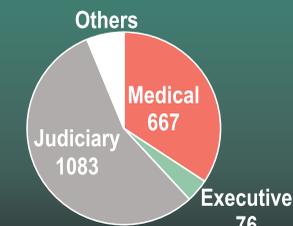
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0%

HARYANA



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter V,
Visitors of Punjab
Jail Manual

No. of NOVs

Any number of NOVs as
the local government
may think fit.

Rule 50 (1)

Tenure

2 years

Rule 50(2)

MANDATE FOR BOV

Composition

2 OVs and 1 NOV with
District Magistrate as the Chairman

Rule 53-A

Frequency of Meetings

On days determined by
the District Magistrate

Rule 53-A

PERFORMANCE OF NOV

Jails with NOVs

0/19

0%

Date of Appointment

Not Provided

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/19

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

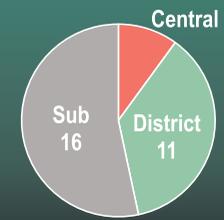
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandate Required | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

0% + 0% + 0% + 0%

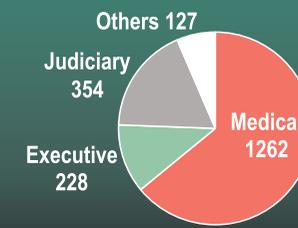
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0%

KERALA



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter XII,
Kerala Prison Manual

No. of NOVs

Any number of persons as the government may think fit but it must include all MLAs, MPs, any responsible person of the locality, one doctor practising in the district, 1 lawyer practising in the district and 1 woman social worker

Rule 27

Tenure

1 years

Rule 27

MANDATE FOR BOV

Composition

All Ovs and NOVs with District Collector as the Chairman

Rule 50 (1)

Frequency of Meetings

Quarterly meetings

Rule 50(1)

PERFORMANCE OF NOV

Jails with NOVs

0/30

0%

Date of Appointment

Not Provided

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/30

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

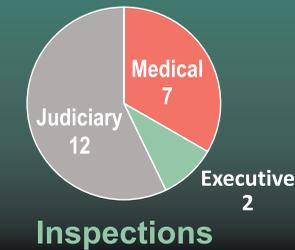
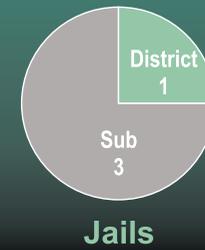
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

0% + 0% + 0% + 0%

=

0%

ANDAMAN AND NICOBAR ISLANDS



MANDATE FOR NOV

Relevant Legislation

Chapter XXIV,
Andaman and Nicobar
Prison Manual, 2004

No. of NOVs

As many as the Administrator
may think fit of whom
1 should be public prosecutor
of the district court and others
from NGO or social work

Rule 24.05

Tenure

2 years

Rule 24.06

MANDATE FOR BOV

Composition

All OV and NOV with District & Sessions
Judge as the Chairman on District level and
Sub-Divisional Judicial Magistrate
at Sub-Divisional level

Rule 24.01

Frequency of Meetings

Quarterly meetings

Rule 24.08

PERFORMANCE OF NOV

Jails with NOVs

0/4

0%

Date of Appointment

Not provided

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/4

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

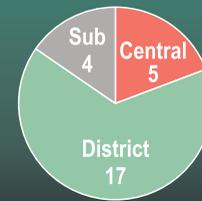
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandate Required | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

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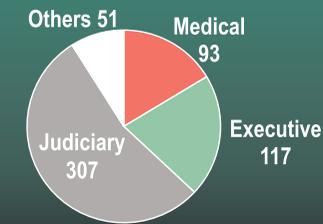
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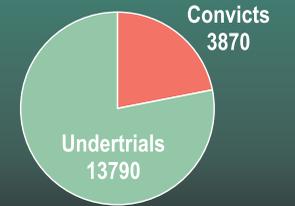
JHARKHAND



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Bihar prison manual

No. of NOVs

Central Jail - 6 +
2 Women
District Jail - 3 +
1 woman

Rule 48

Tenure

2 years

Rule 48

MANDATE FOR BOV

Composition

All OVVs and NOVVs. Three members form a quorum with Commissioner of Division as the Chairman

Rule 49

Frequency of Meetings

Quarterly meetings

Rule 49

PERFORMANCE OF NOV

Jails with NOVs

0/26

0%

Date of Appointment

10-10-2006

No. of NOVs

Not provided

0%

PERFORMANCE OF BOV

Jails with BOVs

0/26

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

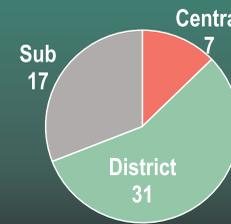
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVVs | Mandate Required | - |

0% + 0% + 0% + 0%

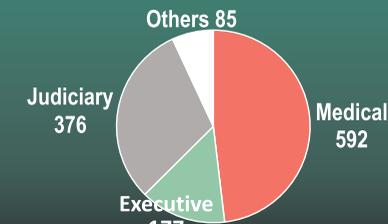
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BIHAR



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Chapter 26 of Bihar Prison Manual, 2012

No. of NOVs

Central Jail - 6
District Jail - 3
Sub - jail - 2

Rule 721

Tenure

3 years

Rule 722

MANDATE FOR BOV

Composition

All OVVs and NOVVs with District Magistrate as the Chairman

Rule 743

Frequency of Meetings

Half yearly meetings and quarterly visit

Rule 744

PERFORMANCE OF NOV

Jails with NOVVs

Not provided

0%

Date of Appointment

Not provided

No. of NOVVs

Not provided

0%

PERFORMANCE OF BOV

Jails with BOVVs

Not provided

0%

Date of Constitution

Not provided

Total No. of Meetings

Not provided

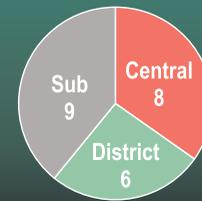
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| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVVs | Mandated | - |
| Composition Criteria for BOVVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandated | - |
| Remuneration for NOVVs | Mandated | - |

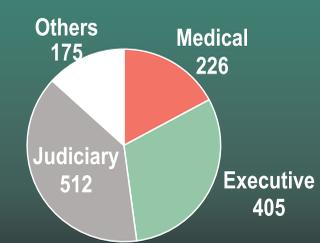
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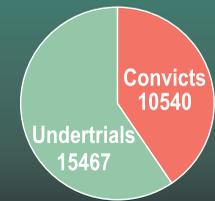
PUNJAB



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Not provided

No. of NOVs

Any number of NOVs as the Local Government may think fit.

Rule 50 (1)

Tenure

2 years

Rule 50(2)

MANDATE FOR BOV

Composition

2 OVs and 1 NOV with District Magistrate as the Chairman

Rule 53-A

Frequency of Meetings

On days determined by the District Magistrate

Rule 53-A

PERFORMANCE OF NOV

Jails with NOVs

Not provided

0%

Date of Appointment

Not provided

No. of NOVs

Not provided

0%

PERFORMANCE OF BOV

Jails with BOVs

Not provided

0%

Date of Constitution

Not provided

Total No. of Meetings

Not provided

0%

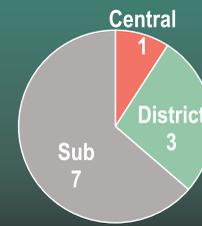
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

0% + 0% + 0% + 0%

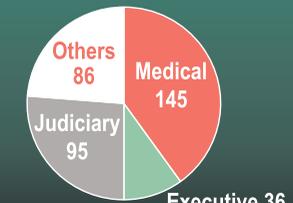
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0%

NAGALAND



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Not provided

No. of NOVs

District jail - 4
Sub - jail - 2

Rule 20

Tenure

2 years

Rule 20

MANDATE FOR BOV

Composition

District jail: - 4 NOVs, Chief Judicial Magistrate and District Magistrate as the Chairman
Sub - jail - 2 NOVs, Sub-Divisional Judicial Magistrate and Sub-Divisional Officer as Magistrate

Rule 20

Frequency of Meetings

Quarterly meetings

Rule 21

PERFORMANCE OF NOV

Jails with NOVs

0/11

0%

Date of Appointment

Not provided

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/11

0%

Date of Constitution

NA

Total No. of Meetings

NA

0%

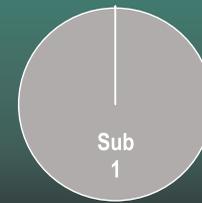
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandate Required | - |
| Display of Visitors' Names on a Board | Mandate Required | - |
| Remuneration for NOVs | Mandate Required | - |

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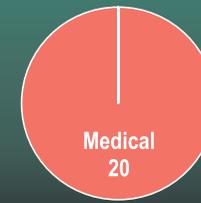
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0%

DADRA AND NAGAR HAVELI



Jails



Inspections



Population

MANDATE FOR NOV

Relevant Legislation

Not provided

No. of NOVs

Not provided

Tenure

Not provided

MANDATE FOR BOV

Composition

Not provided

Frequency of Meetings

Not provided

PERFORMANCE OF NOV

Jails with NOVs

0/1

0%

Date of Appointment

Never
Constituted

No. of NOVs

NA

0%

PERFORMANCE OF BOV

Jails with BOVs

0/1

0%

Date of Constitution

Never
Constituted

Total No. of Meetings

NA

0%

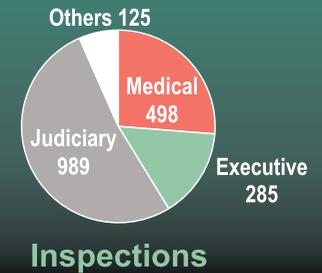
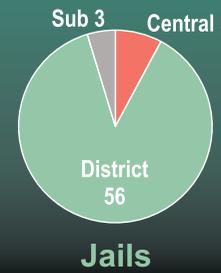
| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandated | - |
| Remuneration for NOVs | Mandated | - |

0% + 0% + 0% + 0%

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0%

UTTAR PRADESH



MANDATE FOR NOV

Relevant Legislation

Not provided

No. of NOVs

As recommended by the District Committees of the United Provinces Discharged Prisoners Aid Society through District Magistrate and Commissioners + MLAs

Rule 669

Tenure

2 years

Rule 671

MANDATE FOR BOV

Composition

All visitors with District Magistrate as the Chairman in Almora and garwhal and Session or Additional Sessions Judge as Chairman in rest of the districts

Rule 674

Frequency of Meetings

Bi-annual or special meetings with the permission of the president, at the requisition of at least 3 members

Rule 674

PERFORMANCE OF NOV

Jails with NOVs

Not provided

0%

Date of Appointment

Not provided

No. of NOVs

Not provided

0%

PERFORMANCE OF BOV

Jails with BOVs

Not provided

0%

Date of Constitution

Not provided

Total No. of Meetings

Not provided

0%

| Other Indicators | Statutory Status | Compliance |
|---------------------------------------|------------------|------------|
| Appointment Criteria for NOVs | Mandated | - |
| Composition Criteria for BOVs | Mandated | - |
| Gender Specification | Mandated | - |
| Display of Visitors' Names on a Board | Mandated | - |
| Remuneration for NOVs | Mandate Required | - |

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ANNEXURES

F.N. 16014/4/2005-PR
Government of India/ Bharat Sarkar
Ministry of Home Affairs/ Grih Mantralaya

New Delhi, the 18th February, 2011

To
The Principal Secretary (Prison/ Home in charge of prison)
All States/ UTs

Subject: Advisory for appointment and working of Non-Official Visitors for Prisons.

Sir/ Madam,

As you are aware that a transparent, open and accessible prison system is likely to be accountable and successful in maintaining human rights standards. Prison visiting system is a system to bring more transparency and accountability. It has two types of visitors namely Official Visitors (OVs) and Non-official Visitors (NOVs). The prison visiting system relating to Non-official Visitors needs to be streamlined. Since prison administration is under increasing public scrutiny and the role of civil society is important, it is essential that only enlightened & concerned citizens be appointed as Non-official Visitors.

2. Non-Official Visitors may be appointed for all prisons without delay. The system of appointment should be transparent and democratic with prescribed criteria. The members who are selected as NOVs should have knowledge and/ or expertise in areas such as prison reforms, legal rights, counseling, social work, criminology, adult education, vocational training courses for adult populations, diet and nutrition, child care, music, yoga etc. Minimum number of NOVs to each category of prisons must be clearly mandated. NOV system must become operational on a regular and stable basis. Women visitors may also be appointed as Non-official Visitors to look into the issues of women prisoners. The State Human Rights Commission suggestions on appointment of Non-Official Visitors should be taken into consideration by the State Government.

3. The terms of reference for the panel of NOVs should include monitoring of prison conditions, implementation of prison reforms, legal, mental and rehabilitative assistance, prisoners' grievance and staff problems.

4. The number of visits made and the quality of service rendered must be the criteria for re-appointment or termination of the services of NOVs. The NOVs appointed to each jail may also be paid reasonable honorarium to cover their incidental expenses on transport, stationery, etc.

5. To coordinate between the Official Visitors and Non-official Visitors, there is provision in the Jail Manuals for establishment of a Board of Visitors to be constituted by the Deputy Commissioner / District Magistrates for each jail. The meeting of the Board of Visitors should

be held once in a quarter. The Deputy Commissioners/ District Magistrates should be impressed on the need for paying special attention in constituting the Board of Visitors and to ensure that the meeting of the Board is held regularly. At the first meeting, roster of visits should be prepared for the next 12 months which permits a monthly visit to each jail by a visitor either official or non official. In addition every NOV may also visit the prison once in a month at a time outside the prescribed roster.

6. The non-official visitors appointed by the Government have to discharge their duties within the parameters of the functions of the Board of Visitors, which are (a) to visit the prisons regularly, (b) to help the administration in correctional matters, and (c) to attend to the requests and complaints of the prisoners pertaining to their care and welfare. After completion of the visit, the visitor should enter his remarks in the Visitor's Book, as required by Rules and advise the Superintendent to take such remedial measures as are required with utmost expedition.

7. Guidelines for Interviewers and Non-Official Visitors as have been prepared by the Bureau of Police Research and Development/ MHA, should be supplied to the Superintendent of each Jail. He/she should give a copy of these guidelines and also a copy of the Chapter in the Prison Manual covering visitors' duties to the Non- Official Visitors at the time of their appointment.

8. On the appointment of Non-Official Visitors, they must be sensitized and trained about their duties, role and responsibilities. Sensitization and training programmes must be organized for Non-Official Visitors by the prison headquarters in association with the Training Institutes like ICA, Chandigarh, TISS Mumbai, APCA Vellore, RICA West Bengal and RICAs in other States. A workshop of NOVs from across the State should be organized once a year by the State prison training institute for sharing their experiences/ learning and documentation of good practices models.

9. The DG /IG (Prisons) should obtain for six-monthly reports from the prison superintendents about the regularity of visits and the nature of work done by NOVs. The Board of Visitors should submit quarterly reports to the State Government under intimation to the State Human Rights Commission. Prison authorities must provide action taken reports to the Board of Visitors and the concerned State Human Rights Commission. This mechanism will ensure accountability of not only the visitors but also the prison administration and help in bringing improvements in the prison administration.

The receipt of the same may kindly be acknowledged.

Yours faithfully

Sd/-

(K.K. Pathak)

Joint Secretary to the Government of India

Tel: 23092630 Fax: 23092675

ANNEXURE - II

Advisory issued by Ministry of Home Affairs for 'Use of Section 436A of the Cr. P. C. to reduce overcrowding of prisons' on 17th January, 2013

No. V-13013/70/2012-IS(VI)
Government of India
Ministry of Home Affairs
(CS Division)

5th Floor, NDCC-II Building
Jai Singh Road, New Delhi
the 17th January 2013

To
The Home Secretaries
of all States/UTs

Subject: Use of Section 436A of the Cr.P.C to reduce overcrowding of prisons.

Sir/ Madam,

The State Governments and Union Territories have been requested to adopt various measures related to reduction in overcrowding an advisory dated 9th May 2011¹ of the Ministry of Home Affairs. One of the initiatives taken by the Government of India has been the amendment of section 436 in the Cr.P.C. through the Criminal Procedure Code Amendment Act 2005 and the insertion of a new section 436A. The section 436A is reproduced below:

"436A. Maximum period for which an undertrial prisoner can be detained - Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation. - In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded".

Thus u/s 436A an under trial prisoner (UTP) has the right to seek bail on serving more than one half of the maximum possible sentence on their personal bond. No person can be detained in prison as an undertrial for a period exceeding the maximum possible sentence. This provision is, however, not applicable for those who are charged with offences punishable with the death sentence.

Although the percentage overcrowding in jails is steadily going down but even now in our prisons 67% of the inmates are undertrials as per 2011 data collected by NCRB.

Invariably it has been found that only the poor and indigent who have not been able to put up the surety are those who have continued to languish as under-trials for very long periods and that too for minor offences. The lack of adequate legal aid and a general lack of awareness about rights of arrestees are principal reasons for the continued detention of individuals accused of bailable offences, where bail is a matter of right and where an order of detention is supposed to be an aberration. Thus a disproportionate amount of our prison-space and resources for prison maintenance are being invested on UTPs which is not sustainable.

States/UTs may hence consider taking the following actions:

1. Constitute a Review Committee in every district with the District Judge as Chairman, and the District Magistrate and District SP as members to meet every three months and review the cases.
2. Jail Superintendent should conduct a survey of all cases where the UTPs have completed more than one-fourth of the maximum sentence. He should prepare a survey list and send the same to the District Legal Service Authority (DLSA) as well as the UT Review Committee.
3. Prison authorities may educate undertrial prisoners on their rights to bail.
4. Provide legal aid - may be provided through empanelled lawyers of DLSA to cases presented for release on bail and reduction of bail amount.
5. The list should be made available to the non-official visitors as well as District Magistrates/ Judges who conduct periodic inspections of the jails.
6. Home Department may also develop management information system to ascertain the progress made jail-wise in this regard.

Action taken to implement the suggestions in all the jails may kindly be intimated within one month. The receipt of this letter may please be acknowledged.

Yours faithfully
Sd/-

(S. Suresh Kumar)

Joint Secretary to the Govt. of India
Tel: 23438100. Email: jscs@nic.in

1 <http://mha.nic.in/pdfs/PrisonAdvisories-1011.pdf>

ANNEXURE - III

Application filed under Section 6(1) of
Right to Information Act to all states and UTs

To,
Public Information Officer
Department of Prisons

Dear Sir/Madam,

Sub: Application for information under section 6(1) of the Right to Information Act, 2005.

1. Please provide the jail-wise list of dates of constitution of Board of Visitors (BoVs) for all jails under your jurisdiction.
2. Please provide the number of meetings held by existing BoVs in each jail under your jurisdiction after their constitution.
3. Please provide the list of jails under your jurisdiction where no BoVs are currently constituted.
4. Please provide the date on which the BoVs were last constituted in relation to all jails referred to in point 4 along with the number of meeting held by such BoVs during the duration of their existence.
5. Please provide the certified copy of the list of Non-Official Visitors currently appointed in all the jails of the State and the date of their appointment.
6. Please provide the number of visits made by the Non-Official Visitors in each jail under your jurisdiction after their appointment

I am a citizen of India. I have attached an IPO (bearing number _____) for Rs. 10/- towards payment of the prescribed application fee. I would like to receive this information at my postal address mentioned above. Kindly inform me of the additional fee payable for obtaining the information requested above.

Place: New Delhi

(Signature)

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. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does this through research, publications, workshops, information dissemination and advocacy.

Access to Justice

Police Reforms: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the 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 South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focussed on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

Access to Information

CHRI is acknowledged as one of the main organisations working to promote access to information across the Commonwealth. It encourages countries to pass and implement effective right to information laws. We routinely assist in the development of legislation and have been particularly successful in promoting right to information in India, Bangladesh and Ghana where we are the Secretariat for the RTI civil society coalition. We regularly critique new bills and intervene to bring best practices into governments and civil society knowledge both in the time when laws are being formulated and when they are first being implemented. Our experience of working across even in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance we have been promoting knowledge about the value of access to information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law. In Ghana as and when the access to information law comes into being we intend to build public knowledge in parallel with monitoring the law and using it in ways which indicate impact of the law on system accountability - most particularly in the area of policing and the working of the criminal justice system.

Strategic Initiatives Programme: CHRI monitors member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: Advocating for and monitoring the Commonwealth's reform; Reviewing Commonwealth countries' human rights promises at the UN Human Rights Council and engaging with its Universal Periodic Review; Advocating for the protection of human rights defenders and civil society space; and Monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

Evolution of Prison Monitoring in India

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| 1836 | First Reform Committee | Recommended periodic Inspections of the jails to ensure no epidemic spreads and prisoners are properly vaccinated |
| 1894 | Prisons Act | Incorporated Section 59(25) obliging states to make rules on 'appointment and guidance of visitors' |
| 1919 | Cardew Committee | Valued the existence of non-official visitors 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 |
| 1965 | Ranchod vs. State of M.P | A prisoner had died due to intentional carelessness of the jail doctors. Emphasized on the preventive function of NOVs and held that if they had acquainted themselves with the prisoner's problems and made efforts for amelioration, probably this situation would have never arose. |
| 1980 | Sunil Batra vs. Delhi Administration | Emphasized on vesting visitorial powers to people from varied social backgrounds and judicial officers to ensure an instant administrative grievance redressal mechanism to protect the rights of prisoners |
| 1981 | Rakesh Kaushik vs. BL Vig, Superintendent Central Jail, New Delhi | Highlighted the visitorial functions of a Session Judge. His duty is to acquaint himself with conditions of tension, the internal violence and prisoners' grievances enquire into those aspects with a view to suggest remedial action |
| 1983 | Mulla Committee | Included prisoner welfare and care, jail administration into the purview and duties of visitors and also emphasized on gender balance of the Board of Visitors |
| 1984 | Madhukar Bhagwan Jambhale vs. State of Maharashtra & Ors | Held that judges are invigilators and enforcers of Constitutionality and of a grim microcosm called prison. Therefore, a continuing institutional responsibility vests in them to monitor the incarceratory process and prevent security 'excesses' |
| 1986 | Sheela Barse & Anr vs. Union Of India & Ors | Held that the purpose of appointing visitors is to ensure that the provisions in the Manual are strictly complied so far as the convicts and the under-trials prisoners detained in jail are concerned |
| 1988 | Sanjay Suri vs. Delhi Administration, Delhi & Anr | Recommended cross sections of society in the Board of Visitor; people with good background, social activists, and people connected with the news media, lady social workers, jurists, retired public officers from the Judiciary as also the Executive. The Sessions Judge should be given an acknowledged position as a visitor and his visits should not be routine ones. Full care should be taken by him to have a real picture of the defects in the Administration qua the resident prisoners and undertrials |
| 1997 | Rama Murthy vs. State of Karnataka | Advised to the visitors that inspections must be made on the shortest notice so that the reality becomes known. Fair inquiry into the complaints must be called and full assurance must be made to the prisoner that he/she would suffer any evil consequence for lodging a complaint |
| 1999 | Rasikbhai Ramsingh Rana vs. State of Gujarat | Termed Board of Visitors a "practicable formula bearing in mind the humanistic approach", "an effective administrative solution" and something further concrete in the nature of a permanent workable arrangement...to constantly monitor the unflinching effective implementation of the arrangements" |
| 2003 | Model Prison Manual | Included redressal of individual prisoner's grievances into the function of NOVs |
| 2005 | Sitaben Govabhai Desai (Rabari) vs. State of Gujarat | Ordered not only periodic checks but surprise checks by Judicial Officers to ensure observation to the rules with regards to maintenance of jails and conditions of prisoners |
| 2010 | Master Jithu vs. State Of Tamil Nadu | Held that the power of Chief Judicial Magistrates and Sessions Judges to make surprise visits must be used to ensure that juveniles are not being kept with adult accused persons |
| 2011 | MHA Advisory No. F.N. 16014/4/2005-PR | Guidelines on appointment and working of Non-Official Visitors for Prisons |
| 2013 | Maja Daruwala vs. State of Maharashtra | Ordered immediate constitution of BOVs and monthly inspection after the inhuman conditions of sub-jails were brought to the attention of the court. Emphasized on inclusion of NGOs and social activists in the Board |
| 2015 | Suo Moto vs. State of Rajasthan | Ordered immediate appointment of NOVs and constitution of BOVs to ensure regular reporting of the prison conditions |



Commonwealth Human Rights Initiative

55A, Third Floor, Siddhartha Chambers - I, Kalu Sarai, New Delhi 110 016, India

Tel: +91 11 4318 0200 Fax: +91 11 2686 4688

E-mail: info@humanrightsinitiative.org Website: www.humanrightsinitiative.org Twitter: @CHRI_INT