

Chapter II

Performance Audit

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Home Department

Management of Prisons in Telangana

2.1 Introduction

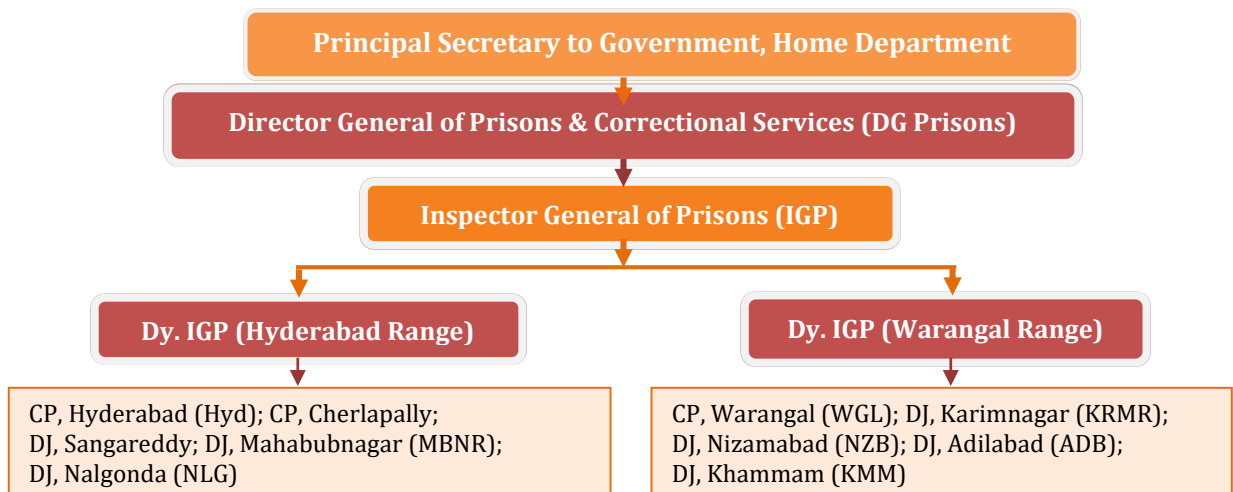
Prison management and administration is a State subject as detailed in the Seventh Schedule to the Constitution of India. However, considering the importance of criminal justice system, the Union Ministry of Home Affairs provides regular guidance and advice to the States on issues concerning prisons and prison inmates. In Telangana, prisons are established under the Prisons Act, 1894 and the Prisoners Act, 1900. Since the State was created by bifurcating the erstwhile State of Andhra Pradesh, the Government of Telangana had adopted the Andhra Pradesh Prisons Rules, 1979.

2.1.1 Accountability structure

At the apex level, the Telangana State Prisons come under the purview of the Home Department, which is responsible for policy formulation and oversight. At the administrative level, the Directorate of Prisons headed by the Director General (DG) Prisons and Correctional Services is responsible for implementation of the policy initiatives and coordination of all the activities relating to prisons. The DG is assisted by the Inspector General of Prisons at Headquarters and Deputy Inspectors General of Prisons at Range Level who implement the policies of the Government. At the operational level, the prisons are headed by officers of various ranks, who oversee the day-to-day functioning of the prisons. The various institutions under the control of the DG, Prisons are classified into Central Prisons (CP), District Jails (DJ), Open Prisons, Special Prison for Women (SPW) and Sub Jails (SJ).

Organisational set up of the Prisons Department is given below:

Figure-2.1



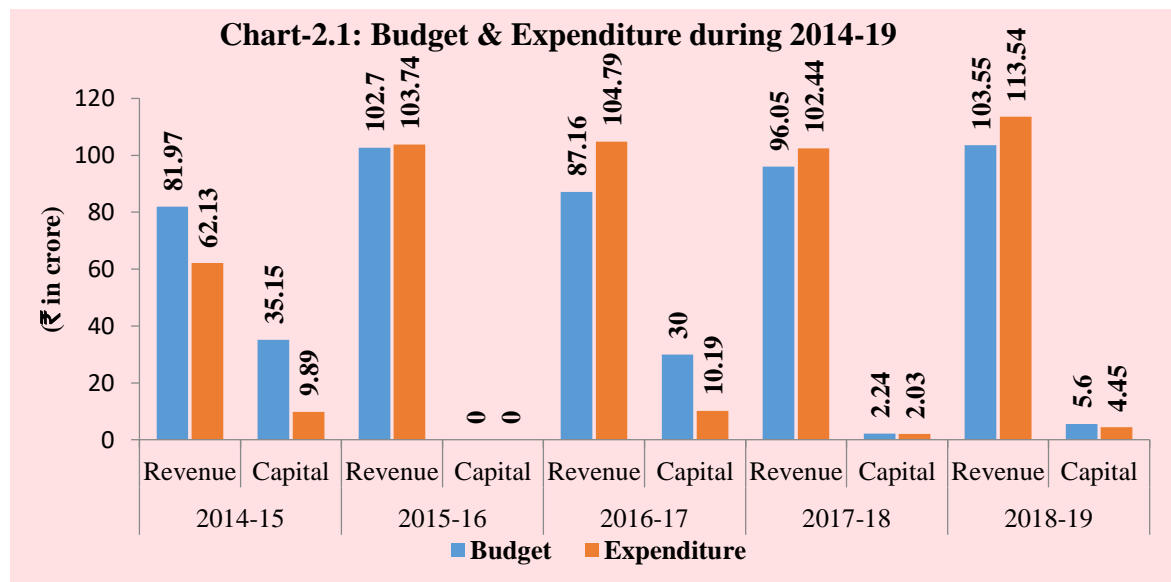
Source: Compiled from Outcome Budget

The CPs and DJs are managed by Prison Superintendents while the SJs are managed by Deputy Superintendents/Deputy Jailors. Further, a Prisoners' Agricultural Colony (PAC) at Cherlapally (an open prison), State Institute of Correctional Administration (SICA) and a SPW (Hyderabad) also function under the DG (Prisons).

Open prison is a type of prison where the prisoners are allowed to work with minimal monitoring by Prison authorities during the day time (they are locked in their respective barracks at the end of the day). Prisoners' Agricultural Colony, Cherlapally, Hyderabad is the only open prison in Telangana State. Closed prisons are classified into three categories - Central Prisons, District Jails and Sub-Jails. There are three CPs at Division level, 7 DJs at District level and 27 SJs at District and Mandal level.

2.1.2 Budgetary provision and expenditure

Funds for administration of Jails are provided by the Home Department of the State. Budget allocation and expenditure of the Prisons Department during the five year period 2014-15 to 2018-19 were as follows.



Source: Voucher Level Compilation of Office of AG(A&E), Telangana

Funds allocated under 'Capital' head of account were utilised only to the extent of 28 per cent, 34 per cent and 79 per cent during the years 2014-15, 2016-17 and 2018-19 respectively. While funds were not provided for capital expenditure during 2015-16, 2017-18 saw the utilisation of budgetary outlay on 'capital' items to the extent of 91 per cent. The Department attributed the non-utilisation of budgetary allocation to non-passing of bills by Pay & Accounts Office (Works & Project) (2014-15), non-issue of Budget Release Orders (BROs) (2016-17) and release of BROs by Government at the fag end of the year (2018-19). Although the Department had preferred its claims during 2018-19, these were not cleared due to freezing of funds by the Government. As a result, construction of prison buildings, prison outlet, visitors hall, security enclosure, modernisation of prison industries, security equipment and purchase of furniture for prison buildings sanctioned under 13th Finance Commission Grants (2014-15) and from the State Budget did not materialise.

2.2 Audit Framework

2.2.1 Audit objectives

Performance audit of ‘Management of Prisons’ was conducted to review various reform initiatives of the Government of Telangana with regard to prisons and prisoners since the formation of the State in June 2014. Audit approach was determined by various directives of the Hon’ble Supreme Court relating to prison reforms and improvement in the living conditions of the prisoners. Towards this end, the objectives of this performance audit were to ascertain whether:

- (i) The living conditions of the prisoners in terms of accommodation, hygiene, sanitation, food, clothing, medical facilities, etc., are compatible with human dignity in all respects; and
- (ii) Measures initiated by the Government for reform and rehabilitation of prisoners were in conformity with the objectives of the extant Act and the Rules, and have achieved the desired objectives.

2.2.2 Audit criteria

The Hon’ble Supreme Court of India in Ramamurthy Vs. State of Karnataka (1996) brought to the fore an urgent need for bringing uniformity in laws relating to prisons and had directed the Central and State Governments to formulate a new Model Prison Manual. Pursuant to this, the Bureau of Police Research & Development (BPR&D) constituted (November 2000) a Model Prison Manual Committee at the National level to evolve a National consensus on the relevant issues relating to Prison Reforms in India. The Model Prison Manual (MPM) 2003 was prepared on the basis of a National consensus evolved through a cross-section of prison administrators and experts drawn from various parts of the country. The MPM was revised subsequently in 2016.

Telangana State does not have a Prison Manual of its own. A Committee was constituted in July 2016 by the State Government comprising the Senior Officers of Prisons Department for preparing a new Prison Manual. Although the draft Prison Manual was submitted by the DG to the Government in September 2016, the latter was yet to accord its approval to it (May 2020).

In the absence of a Prison Manual for Telangana State, audit findings were benchmarked against the criteria sourced from the Model Prison Manual (MPM) 2003 (and MPM 2016 where applicable, since the PA covered the period 2014-19) apart from the following sources:

- (i) Prisons Act, 1894 and Prisoners Act, 1900
- (ii) Andhra Pradesh Prisons Rules, 1979
- (iii) Guidelines on Vidyadaan framed by the Department
- (iv) Rulings issued by the Hon’ble Supreme Court of India and notification/ instructions issued by the State & Central Governments from time to time for management of prisons

2.2.3 Scope, Sample and Methodology of Audit

Performance audit of management of prisons was conducted between June 2019 and October 2019 and covered the period 2014-15 to 2018-19. Audit methodology involved scrutiny of records in the office of the DG Prisons and Correctional Services (DG, Prisons) and selected units.

Audit sample involved all the three Central Prisons viz., CP Cherlapally, CP Hyderabad and CP Warangal. Three (out of seven) District Jails in Karimnagar, Mahabubnagar and Nizamabad districts, including two Sub-Jails¹ in each sampled district were selected for scrutiny based on highest inmate strength. In addition, State Institute of Correctional Administration (SICA), Special Prison for Women (SPW), Prisoners' Agricultural Colony (PAC) and Telangana State Police Housing Corporation Limited (TSPHCL), the nodal agency for construction activities were also selected for scrutiny.

An Entry Conference was held in May 2019 with the Principal Secretary to Government, Home Department and DG, Prisons and Correctional Services wherein the audit objectives, methodology, scope, criteria and audit sample were discussed. Joint Physical verification of prison infrastructure was conducted along with the Departmental representatives to understand the living conditions of the prisoners. A random survey of five *per cent* of various categories (undertrial prisoners, convicts, detenues, women prisoners) of prisoners (259 prisoners in all) was also conducted and the prisoners were interviewed using a structured questionnaire on the availability of various prison facilities. Responses received to the survey from the interviewed prisoners have been incorporated at appropriate places in the Report. Audit findings were discussed with the Government in the Exit Conference conducted in May 2020 and the replies of the Government/Department have been suitably incorporated in the Report.

Audit findings

Living conditions of prisoners

Audit Objective I: Whether the living conditions of the prisoners in terms of accommodation, hygiene, sanitation, food, clothing, medical facilities, etc., are compatible with human dignity in all respects

The Hon'ble Supreme Court had, in February 2016, emphasized that Article 21 of the Constitution requires a life of dignity for all persons and lamented that little appears to have changed on the ground as far as prisoners are concerned. It considered the issue of their health, hygiene, food, clothing, rehabilitation etc. and ruled that 'prisoners, like all human beings, deserve to be treated with dignity'.

¹ Sub Jails: Karimnagar – Special Sub-Jail, Jagtial; Sub Jail, Huzurabad; Mahabubnagar - Kalwakurthy; Nagar Kurnool; Nizamabad – Kamareddy and Warangal – Jangaon and Mahabubabad

Significant audit findings in this regard are discussed below:

2.3 Prison infrastructure

Audit scrutiny of availability of prison infrastructure *vis-à-vis* norms with reference to the number of inmates and segregation of prisoners revealed the following:

2.3.1 Overcrowding

As per Provision 2.05 (vii) of MPM 2016, authorized population of Central Prisons, District Prisons and Sub-Prisons shall not exceed 1,000, 500 and 200 respectively.

Audit scrutiny revealed that, two out of the three Central Prisons had prisoners beyond the authorized capacity as per MPM 2016.

Table-2.1

As on 31 March	Authorised capacity as per MPM 2016	C P Cherlapally		C P Hyderabad	
		Actual no. of prisoners	Overcrowding (%)	Actual no. of prisoners	Overcrowding (%)
2015	1,000	1,889	889 (89)	724	--
2016	1,000	1,406	406 (41)	1,119	119 (12)
2017	1,000	1,511	511 (51)	1,241	241 (24)
2018	1,000	1,533	533 (53)	876	--
2019	1,000	1,689	689 (69)	1,283	283 (28)

Source: MPM 2016 and departmental information

As is evident from the above table, the actual number of prisoners in the Cherlapally and Hyderabad Central Prisons was in excess of the norm during the period 2014-19 and it ranged from 12 *per cent* in CP, Hyderabad (2016) to 89 *per cent* in CP, Cherlapally (2015). In other prisons (CP, Warangal, DJ, Nizamabad, DJ, Karimnagar and Prisoners Agricultural Colony Hyderabad) there were fewer prisoners and consistent underutilisation of space (details vide *Appendix-2.1*).

As per provision 13.83 of MPM, 2016, if a prison becomes overcrowded, the Superintendent shall take suitable action for accommodating all the prisoners properly, duly reporting the circumstances leading to overcrowding to the Inspector General of Prisons (IGP). Further, as per Provision 2.09.5 of MPM, 2016, where accommodation is overcrowded and does not meet the prescribed standards and prison overcrowding is likely to continue, the excess number of prisoners will be transferred to other institutions or camps as the case may be, with prior approval of the IGP.

However, Audit did not find any plans from the Prison authorities to transfer the prisoners from the overcrowded CPs at Cherlapally and Hyderabad to other underutilised prisons.

In response, DG (Prisons) stated (May 2020) that a proposal was sent (December 2019) to Government for upgradation of two District Jails (Nizamabad and Sangareddy) as Central Prisons so that an average of 1000 prisoners could be maintained in each CP.

Government stated (June 2020) that, the proposal sent (December 2019) by the DG (Prisons) was under examination.

2.3.2 Space Available to prisoners for occupation

As per provision 2.09 of MPM, 2003, the minimum accommodation capacity of dormitories/barracks, cells, cottages and hospitals per prisoner are ordinarily to be 3.71 square metres of ground area.

Audit scrutiny revealed that, space available to prisoners in the sampled prisons as of November 2019 was as per MPM 2003 except in the case of DJ, Mahabubnagar as detailed in Table 2.2.

Table-2.2

Name of the prison	Prison capacity	Actual occupancy	Area of the prison under Barrack and cells (sq. mts.)	Space available per prisoner (sq. mts.)
CP, Hyderabad	1,250	1,283	5,162.27	4.02
CP, Warangal	966	910	5,216.61	5.73
DJ, Mahabubnagar	147	192	543.93	2.83
DJ, Nizamabad	460	250	2,438.43	9.75
DJ, Karimnagar	349	296	1,532.00	5.18
PAC, Cherlapally	150	93	1,154.00	12.41
CP, Cherlapally	1,950	1,689	8,939.17	5.29
SPW, Hyderabad	220	245	NA	NA

Source: Information furnished by Telangana Prisons

The actual space available for each prisoner in District Jail, Mahabubnagar was only 2.83 square metres of ground area which was less than the prescribed norm of 3.71 square metres.

2.3.3 Separate barrack for Female Convicts and Undertrials

Provision 24.02 of MPM, 2003 specifies that the women prisoners shall be classified and kept separately. Undertrial prisoners shall be kept completely separated from convicted offenders, even when their number is small.

Audit scrutiny revealed that, in DJ Mahabubnagar and SPW, convicts and undertrial women prisoners were being confined in the same barrack. When non-compliance to the provisions of MPM was pointed out, the Prison authorities in Mahabubnagar replied that due to availability of a single barrack with 20 prisoners' capacity, female undertrial and convicted prisoners were being confined in this barrack.

Government stated (June 2020) that, one new barrack for confinement of women convict prisoners in SPW, Hyderabad was under construction and would be completed shortly, thereby addressing the issue of segregation in this prison. Measures, if any, to address the segregation issue in DJ, Mahabubnagar were not furnished.

2.3.4 Security Lapses

2.3.4.1 Availability of Watch Towers

Provision 23.17 of MPM, 2003 specifies a double ring of security and watch towers to be provided in the jails. Scrutiny revealed that, except in two District Jails (Mahabubnagar and Nizamabad), there were watch towers in all the sampled jails.

On a specific request from the Superintendent DJ, Mahabubnagar (January 2018), TSPHCL had submitted proforma estimates in January 2018 for construction of watch towers which were yet to be approved by the DG (Prisons) (May 2020). In DJ Nizamabad, there was no record to show that any proposals in respect of watch towers were sent to the DG (Prisons).



View of DJ Nizamabad without watch towers

Government stated (June 2020) that, there were no proposals to construct watch towers in DJs, Nizamabad and Mahabubnagar. The reply is not acceptable as it is in contravention of the prescribed norms as per MPM 2003.

The reply is not only in contravention of the prescribed norms as per MPM 2003, but is also a security risk, as watch towers play a crucial role in monitoring the movement of prisoners and overall supervision of the premises (inside and outside). Lack of mandatory watch towers compromises security requirements in prisons.

2.3.4.2 Escape of prisoners

Audit observed that, during the period 2014-19, eight prisoners had escaped in jail break. Three of these prisoners were yet to be apprehended (September 2020). This indicates inadequate security in the jail premises.

Government stated (June 2020) that efforts were being made to apprehend the escaped prisoners.

2.3.4.3 Manpower

As per Provision 4.02 of MPM 2003, there should be one guarding staff for every six prisoners. The guarding staff will consist of Chief Warder, Head Warder and Warders. The duties of guarding staff include *inter alia* security, custody, discipline, searches and counting of prisoners, opening and locking up of prisoners, guarding and sentry duties.

As per Provision 4.07.3 of MPM 2003, the Superintendent/Jailor is the Head of the Prison, with duties including general supervision over security and custody arrangements, control over financial matters, etc. The Deputy Superintendent/Deputy Jailor is to look after the admission and release of prisoners, disbursement of subsistence allowance, issue of raw materials to workshops, etc.

As per Provision 4.07.6 and Provision 4.07.7 of MPM 2003, education/vocational training in prisons has to be pursued as an important means of reformative treatment. Further, in terms of Provision 13.20 of MPM 2003, Education Department should provide teachers, equipment and material for teaching prisoners.

Audit scrutiny revealed that, there was shortage of staff as shown in Table-2.3.

Table-2.3

Macro picture of sanctioned strength and men in position as of August 2019

Category	Sanctioned strength	Men in position	Shortage	Allotted by TSLPRB ²	Undergoing training	Percentage of shortage
Dy. Jailor (M)	62	37	25	15	-	16
Asst. Matron (Dy. Jailor F)	3	0	3	2	2	33
Warder (M)	819	607	212	185	132	10
Warder (F)	37	8	29	35	25	11
Head Master	1	0	1	-	-	100
Teacher	4	2	2	-	-	50
Physical education teacher	1	0	1	-	-	100
Instructor (all grades)	24	13	11	-	-	46
Total	951	667	284			30

Source: Departmental records

Note: Vacancies above 10 per cent only were considered for the purpose of audit comment and some of the posts such as typist, barber, etc., have been excluded from the macro picture

As seen from the above table, there were vacancies in key posts of various cadres viz., Deputy Jailors (Male & Female), Warders (both Male & Female), Instructors and Teachers. As of August 2019, the percentages of shortfall *vis-à-vis* sanctioned strength in these cadres ranged from 10 to 100 with an overall shortage of 30 per cent.

Government intimated (June 2020) that action was being taken to address the shortage of staff in various cadres.

Heads of Prisons in the 5th National Conference on prison reforms held during September 2016 incorporated a resolution to expedite filling up existing vacancies in all ranks of the Prisons Department. State Governments were directed by Government of India (GoI) to take note of the resolutions passed in that Conference and make concerted efforts to implement the same in a time bound manner. However, the vacancies in Prisons Department continued to exist as of June 2020.

2.3.5 Prisoner's requirements

Audit scrutiny of prisoner's requirements *vis-à-vis* provision of diet, hygienic conditions, health facilities, etc. revealed the following:

² Telangana State Level Police Recruitment Board

2.3.5.1 Shelves in the barrack to prisoners

Provision 2.11.9 of MPM 2003 states that, a fixed or in-built shelf will be provided for each inmate to store personal belongings.

During the joint physical verification conducted by Audit along with prison authorities, it was found that prisoners in the barracks in CP Warangal and Sub-Jails Jagtial and Kamareddy were not provided with shelves.

Superintendent (CP, Warangal) stated (July 2019) that shelves were not provided for convict prisoners, as the buildings were old and there was no provision for shelves. Government stated (June 2020) that in Central Prisons shelves were already provided and that the works relating to provision of shelves in District Jails was under progress. The reply is not acceptable as CP, Warangal did not have provision for shelves. The reply is also silent about the absence of shelves in the Sub-Jails.

2.3.5.2 Health and Medical Care

Medical Officer of a prison has to give careful attention to the treatment of sick prisoners and every matter connected with prisoners' health and over all hygiene in the prison. Further provision 2.16.1 of MPM, 2003 stipulates that, in every prison there will be a separate hospital with the necessary number of beds for indoor treatment with a separate ward for men and women with the facilities of dental, ophthalmology, minor operation theatre, clinical laboratory, X-ray laboratory, physiotherapy, detoxification and psychiatric units.

(i) Insufficient beds in hospitals

Section 39 of the Prisons Act, 1894 read with Provisions 7.02 and 7.32 of the MPM 2003, prescribes that, hospital accommodation with sick beds should be provided on the scale of 5 *per cent* of daily average of inmate population in all jails. For this purpose, prison hospitals have been categorised into two types *viz.*, Type 'A' (50 and more beds) and 'B' (less than 50 beds). Two CPs - Cherlapally and Hyderabad, with an authorised capacity of over 1000 prisoners, should have 'A' type hospitals and 10 prisons³ including CP Warangal, should have 'B' type hospitals.

Audit scrutiny revealed shortage of beds in the sampled Central and District Jails (details are given in *Appendix-2.2*). As against the requirement of 268 beds, there was a shortage of 142 beds (53 *per cent* as on March 2019). Further DJ, Mahabubnagar did not have a hospital.

Government stated (June 2020) that, there was no shortage of beds against actual requirement of sick prisoners. However, it was assured that, action would be taken to increase beds according to the ratio fixed in MPM 2003.

³ DJs, Adilabad, Nizamabad, Karimnagar, Medak, Khammam, Nalgonda and Mahabubnagar; SPW, Hyderabad and PAC, Cherlapally

(ii) Shortage of Medical Staff

As per Provision 4.07.4 of MPM 2003, the Medical personnel will be directly responsible for the medical care and health of prisoners. They will be assigned duties in preventive services such as immunization, segregation, curative services *i.e.*, treatment of diseases and other general duties relating to hospital administration.

Scrutiny of manpower requirement in 12 prisons (3 Central Prisons, 7 District Jails, 1 SPW, 1 PAC) as per the type of hospital and availability revealed shortages in key posts (details are given in *Appendix-2.3*).

Audit observed that, although MPM provides for Chief Medical Officer in all the prison hospitals, there was no sanctioned post of Chief Medical Officer in any of the prison hospitals.

Shortfall was noticed in the cadre of Assistant Civil Surgeons (24 *per cent*), Lab Technicians (50 *per cent*), Nursing assistants (38 *per cent*) and Pharmacist (38 *per cent*).

Provision 24.97 of MPM 2003 provides for at least one Gynaecologist in every Women Prison. However, it was observed that the service of a gynaecologist was not provided in the SPW.

Director General (Prisons) stated (May 2020) that, proposals were being submitted to Government for creation of medical staff according to the prescribed norms in MPM 2003. Government endorsed (June 2020) the reply of DG (Prisons).

(iii) Shortage of Medical facilities

Provision 7.32 of MPM specifies the facilities/equipment⁴ to be available in prison hospitals.

Audit observed that these facilities were not available in two Central Prisons (Hyderabad and Warangal), SPW and in three test checked District Jails.

- In the test checked DJs/SPW, Labs with facilities for basic medical tests such as complete blood profile, urine, sputum, ECG, etc. were not available.
- Facilities such as Dental clinic, Ophthalmology clinic, Minor Operation Theatre, Clinical lab, X-ray lab, Physiotherapy unit, Detoxification unit and Psychiatric unit with all equipment as specified in the MPM were not available in two Central Prisons (Hyderabad and Warangal), SPW and in three test checked District Jails.
- In Central Prison, Cherlapally, while Dental clinic and X-ray machine (which could not be used in the absence of a Radiographer) were available, other facilities were not available. As a result, prisoners were being sent to Labs in Government Hospitals for basic medical tests along with escort arrangements.
- During the past five years, the number of prisoners from sampled DJs who were sent to Labs at Government hospitals grew from 460 to 786 (Details vide *Appendix-2.4*).

⁴ Dental clinic, Ophthalmology clinic, Minor Operation Theatre, Clinical lab, X-ray lab, Physiotherapy unit, Detoxification unit and Psychiatric unit with all equipment

It is imperative to establish a Lab within the prisons. However, no proposals were sent to Government for establishment of lab facilities.

Director General (Prisons) stated (May 2020) that proposals would be sent to Government with regard to sanction of posts and for purchase of lab equipment.

2.3.6 Maintenance of History Tickets

2.3.6.1 Non-Maintenance of History Tickets in respect of Undertrial Prisoners

Provision 5.48 of the MPM, 2003 stipulates that, every prisoner shall immediately on his reception into prison be provided with a History Ticket containing details such as the name, prisoner number and other particulars necessary for identification of the prisoner, a brief entry of every order passed and direction given relating to, and punishment inflicted on, the prisoner; and a brief record of every other occurrence of any importance, affecting the prisoner, which takes place while he remains in confinement including the medical history, which shall be maintained throughout the period during which such prisoner remains in confinement.

Scrutiny of records of CP, Cherlapally and CP, Hyderabad revealed that History Tickets were not being maintained in respect of undertrial prisoners. An identity card containing only basic details such as name of the prisoner, undertrial number, date of admission, crime details, police station, etc. was given.

Government in its response (June 2020) justified the non-maintenance of History Tickets for undertrial prisoners stating that their stay in the prisons was for a short duration, *i.e.*, less than three months and assured that with regard to prisoners whose stay is for a longer period the history tickets would be maintained hereafter.

The reply is not acceptable as audit observed in the test checked jails that few undertrial prisoners were lodged in the jail for as long as three years.

2.3.6.2 Inadequate maintenance of Convict Prisoners' History Tickets

Section 35 (2) of the Prisons Act 1894 stipulates that, the Medical Officer shall from time to time examine the prisoners employed on labour, and shall at least once in every fortnight cause to be recorded upon the history ticket of each prisoner employed in labour, the weight of such prisoner at the time. As per Section 38 *ibid*, all directions by the Medical Officer regarding health of prisoners shall be entered – on a daily basis in the prisoners' history ticket. Further, as per Provision 5.49 (ii) of MPM 2003, a brief entry of every order passed and direction given relating to, and punishment inflicted on the prisoner shall be recorded in the history ticket.

During verification of the history tickets of convict prisoners in the test checked prisons, it was noticed that, mandatory details such as medical history, interviews allowed and receipt of copy of judgement were not being recorded in the history tickets of the prisoners, as stipulated in the Manual/Act.

Government stated (June 2020) that, medical history was being maintained separately in medical case sheets in prison hospital.

The reply is not acceptable as the history ticket has all the important entries relating to a prisoners' events at one place. In the event of transfer of the prisoner from one prison to another, the history ticket is the only authentic record to know about a prisoner's background and history.

2.3.7 Production of Prisoners in Courts

2.3.7.1 Functioning of Video linkage between Prisons and Courts

As per Provision 22.21 of MPM 2003 for extension of detention of undertrial prisoner, the prisoner may also be produced in the Court through electronic media, like video linkage. Video linkage facility was again recommended by the GoI in May 2011 for implementation of directions issued by Mumbai High Court with regard to production of undertrial prisoners in the Court.

Instructions were also issued by DG (Prisons) (July 2019) for utilisation of the video conference equipment which was provided under e-Courts project, for production of undertrial prisoners through video conference. Scrutiny of information furnished in the test checked prisons revealed that, though the video conferencing facilities were available in CP, Cherlapally and DJ, Mahabubnagar, they were not put to use.

Director General (Prisons) stated (May 2020) that, video linkage facility is being utilised effectively at present. Audit observations are based on the reply furnished (August 2019) by the respective prison authorities.

2.4 Reforms and Rehabilitation measures

Audit Objective II: *Whether measures initiated by the Government for reform and rehabilitation of prisoners were in conformity with the objectives of the extant Act and the Rules and achieved the desired objectives*

Audit scrutiny of reforms and rehabilitation measures like provision of educational facilities to prisoners, training and employment, payment of equitable wages, aftercare services, timely release of prisoners, etc., revealed the following:

2.4.1 Payment of wages to the Prisoners

Provision 14.45 of MPM, 2003 stipulates that wages should be fair and equitable and not merely nominal and paltry. These rates should be standardised keeping in view the minimum wages notified by the Government from time to time. Further, Provision 14.46 of MPM, 2003 stipulates that the wage system in prisons has to be in harmony with that in the free community, and that the wages should be reviewed once every three years and revised whenever necessary.

According to the orders (1998) of the Hon'ble Supreme Court of India, the State Government has to ensure that equitable wages are paid to every convict for the work done by him/her at the rate at which a worker is paid outside the jail under the Minimum Wages Act. GoI communicated (June 2017) the latest National Floor Level Minimum Wage (NFLMW) as ₹176 per day. The States were requested to fix the minimum rates of wages in respect of all scheduled employments not below the NFLMW from 1 June 2017.

Government notified (January 2012) the basic wages to be paid (for a manufacturing process) for unskilled, semi-skilled and skilled workers as ₹194, ₹227 and ₹277 respectively.

However, wages to the prisoners in Telangana continue to be paid as per the Government orders of 2010 (at ₹30, ₹50 and ₹70 per day for unskilled, semi-skilled and skilled workers respectively). Although proposals were sent by DG (Prisons) in June 2016 seeking orders for increase/rationalisation of the wages of prisoners in view of price escalation since 2010, there was no response from the Government.

Thus, the State has not been paying equitable wages to the prisoners (in comparison to Telangana Government declared wage rate and NFLMW) which is also not in tune with the judgement of the Hon'ble Supreme Court.

Government stated (June 2020) that the proposals sent by DG (Prisons) were under process.

2.4.1.1 Opening of Bank Accounts for prisoners

Provision 14.48 of MPM 2003 suggests that wages should be deposited in the prisoners' savings bank accounts on a fixed date every month and the passbook be kept with the prisoner concerned.

There were 994 convict prisoners in the four test checked prisons (CP, Hyderabad (426 prisoners); CP, Warangal (408); District jail, Karimnagar (61) and SPW (99)). Of these, 238 convict prisoners (CP, Hyderabad (93 prisoners); CP, Warangal (50); District jail, Karimnagar (40) and SPW (55)), did not possess bank accounts (24 *per cent* of the convict prisoners). In DJ, Karimnagar, an amount of ₹4.77 lakh, pertaining to prisoners who are presently in custody was lying in the cash chest of the prison without disbursement due to non-opening of bank accounts. Audit team was informed by prison authorities that bank accounts were not opened for the prisoners due to non-availability of Aadhaar numbers. The reply furnished by the prison authorities is not tenable as RBI had clarified⁵ that those persons (who do not have any of the officially valid documents viz., passport, driving license, PAN card, voter id card) could open savings bank accounts with a letter issued by a Gazetted Officer with a duly attested photograph of the person. This option was not explored by the prison authorities for opening the bank account in respect of prisoners. This deprived the prisoners of the facility of getting his/her wages deposited in bank accounts.

The issue of non-opening of bank accounts was confirmed during the survey conducted by audit, 16 convicts (14 *per cent*) stated that bank accounts had not been opened for them. Further, 55 convicts (50 *per cent*) stated that they were not aware of balances in their bank accounts.

Government stated (June 2020) that, in CP, Hyderabad, bank accounts had been opened in respect of 52 out of 93 prisoners pointed out and that, the other prisoners who did not have

⁵ (vide its Press Release dated 26 August 2014) in connection with opening of account under Pradhan Mantri Jan DhanYojana

bank accounts, were short term imprisoned convict prisoners or undertrial prisoners. The contention is contrary to the documents available with Audit, as the 93 prisoners pointed out by Audit were all convict prisoners.

2.4.1.2 Disbursement of wages to released prisoners

In five prisons⁶, it was found that the wages amounting to ₹4.97 lakh in respect of 347 released prisoners were not paid. When the reasons for non-disbursement of wages were called for, it was replied that the wages could not be disbursed due to non-tracing of the addresses of prisoners. Thus, the prisoners were released from prisons without their wages being paid. This violates Provision 14.48 of MPM 2003 and would greatly hamper the rehabilitation of the released prisoners.

It was further observed that wages were being paid with delays ranging from four to eight months.

Government in its response (June 2020) stated that the wages of the prisoners were being disbursed at the time of release of prisoners regularly. The reply is not acceptable since audit observed that, there were undisbursed balances available with the prison authorities.

2.4.2 Special Remission for release of prisoners

Government of India decided (July 2018) to grant Special Remission throughout the country to convicted prisoners who maintained good conduct on the occasion of the 150th Birth Anniversary of Mahatma Gandhi. As per the GoI order, this special remission was to be implemented in three phases as detailed below:

- Phase-I - the prisoners were to be released on 2 October 2018 (Birth Anniversary of Mahatma Gandhi);
- Phase-II - the prisoners were to be released on 6 April 2019 (Anniversary of Dandi March); and
- Phase-III - the prisoners were to be released on 2 October 2019 (Birth Anniversary of Mahatma Gandhi).

Government of India issued guidelines/procedure to be followed by the State Government to identify eligible prisoners for grant of this Special Remission.

Government of Telangana had clearly laid down specific timelines (August 2018) to ensure that the prisoners were released on the dates of birthday of Mahatma Gandhi and the anniversary of Dandi March.

Scrutiny of records revealed that State Government had ordered (August 2019) the release of 14 prisoners in Phase II. It was observed that the prisoners who were eligible for release in Phase-II on 6 April 2019 were not released till 9 August 2019. Thus, the proposed timeline for release of prisoners by GoI was not adhered to. Similarly, in Phase III, Government had accepted the proposals in respect of 10 prisoners. However, order of Government for release of these 10 prisoners was still awaited (May 2020).

⁶ Central Prisons Cherlapally, Warangal and SPW; District jails, Karimnagar and Nizamabad

Government stated (June 2020) that the prisoners were not released as the relevant Government order to release the prisoners had not been issued. Specific reasons for the delay in release of prisoners in Phase-II were not furnished.

2.4.3 After-care services and rehabilitation of released prisoners

In terms of Provision 15.04 of MPM 2016, a Board of Skill Development Programme and Vocational Training should be set up at the prison headquarters under the Chairmanship of Inspector General of Prisons and vested with full fiscal and administrative powers aid the skilling of prisoners, thereby helping them seek employment after release. Constitution of the Board would ensure monitoring of in-house training of prisoners as well as their rehabilitation after release. However, the Board had not been setup. When the issue of constitution of Board of Skill Development Programme and Vocational Training was brought to the notice of DG, it was replied that there was no provision for constitution of this Board in AP Prisons Rules, 1979.

Further, as per Provision 20.01 of MPM 2003, the process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment.

An important after-care service is provision of employment to released prisoners. Details of employment provided to released prisoners during the period 2014-19 is given below.

Table-2.4

Name of the prison	Number of prisoners released	Number of prisoners employed (Percentage)
CP, Warangal	6,547	113 (2%)
CP, Cherlapally	21,778	60 (0%)
CP, Hyderabad	27,512	86 (0%)
DJ, Mahabubnagar	52	21 (40%)
DJ, Karimnagar	3,425	94 (3%)
DJ, Nizamabad	1,440	0 (0%)
SPW	675	0 (0%)
Total	61,429	374 (0.61%)

It was observed that, employment provided to released prisoners during the period was very low. Among the test checked prisons, DJ, Mahabubnagar provided better rehabilitation with 40 *per cent* being employed after release whereas DJ, Nizamabad and SPW did not

Source: Statistics furnished by Telangana Prisons

provide rehabilitation to even a single prisoner. Specific reasons were not furnished by the Prison authorities except CP, Cherlapally wherein it was stated that employment was provided to the prisoners who had specifically requested for it.

Government stated (June 2020) that the process of after-care and rehabilitation of offenders involved several Welfare Departments of the State and released prisoners who approached the welfare officer of the prisons were given employment. The Government needs to create awareness among the prisoners about the necessity of taking up employment and support their efforts for a dignified living after serving their sentence/release from jail. Prison Rules need to be suitably modified permitting its constitution of Board of Skill Development Programme and Vocational Training.

2.4.4 Vidyadaan - Education system in Prisons

Home Department of Telangana State launched⁷ (July 2014) Vidyadaan Yojana, an adult literacy programme for prisoners in all the jails of the State. Through Vidyadaan Yojana, all the illiterate prisoners were aimed to be made literates and semi-literates. One Adult Education Centre was planned in every prison for organizing of vocational skill training programmes. Guidelines issued by DG (Prisons) prescribed syllabus of Rashtriya Saaksharta Mission, Hyderabad for illiterates, State Government syllabus for primary and secondary education (Classes I to IX) and Open School syllabus for Class-X.

As per the provision of 13.05(vi) of MPM 2003, as far as practicable, the education of prisoners shall be integrated with the educational system of the State so that after their release, they may continue their education without difficulty.

During verification of records in office of the DG (Prisons) and test checked prisons, audit noticed that adult education centres were not opened in any of the prisons. Thus, the aim of the literacy programme was not achieved.

2.4.4.1 Education system in Prisons – Shortage of teaching staff

Provision 4.03.4 of MPM stipulates for educational personnel to be provided in jails, which includes teachers and physical training instructor.

Availability of teaching staff with reference to requirement in test checked prisons as assessed by the Prisons Department is given in Table- 2.5.

Table-2.5

Name of the prison	Requirement ⁸	Available	Shortage of teaching staff
CP, Cherlapally	15	2 ⁹	13
CP, Hyderabad	10	1	9
CP, Warangal	10	4	6
SPW, Hyderabad	3	0	3
DJ, Mahabubnagar	3	0 ¹⁰	3
DJ, Karimnagar	3	0	3
DJ, Nizamabad	3	0	3
Total	47	7	40

As against the requirement of 47 teaching staff, there were only 7 teaching staff and the shortfall in teaching staff was 85 per cent.

Of the interviewed prisoners, 23 prisoners (9 per cent) stated that teachers were not available and 94 prisoners (36 per cent) did not respond to this question.

Source: Information furnished by Prisons Department

Government stated (June 2020) that the services of educated prisoners were being utilized for imparting lessons for primary and high schools in view of the shortage of regular teachers.

⁷ with the support of the Adult Education Department

⁸ Lr. No. RC2/56/2018, dated 2 April 2018 addressed by DG (Prisons) to the Director, Department of School Education

⁹ One of the two teachers is taking classes at both PAC and CP, Cherlapally

¹⁰ There is no teaching staff and a request was made to District Educational Officer to depute teaching staff

2.4.5 Prisoners' Panchayats

As per Provisions 15.18 to 15.20 of MPM, 2003, every prison and allied institution should have Prisoners' Panchayats. These Panchayats should plan and execute daily recreational programmes for inmates and organize events and activities on festivals. These are expected to give an opportunity to the prisoners to express their problems and seek redressal. This would also give a sense of participation in the prison management which is an important component of any policy of welfare and reformation. A 'Mahapanchayat' of all the Panchayats should be held in the presence of the Superintendent at least once in a quarter for redressal of prisoners' grievances and implementation of their suggestions.

It was noticed from the records that, in seven¹¹ out of eight test checked prisons, Prisoners' Panchayats were not constituted. Records relating to constitution of Prisoners' Panchayats were not available in any of the test checked prisons. The sampled prisons had not furnished any specific reason for the non-constitution of Prisoners' Panchayat. Non-constitution of Prisoners' Panchayats deprived the prisoners of a sense of participation in the prison management.

Government stated (June 2020) that, Prisoners' Panchayat system is being implemented in the three Central Prisons, SPW and DJs, Karimnagar, Khammam and Nizamabad and that the members were being elected every six months in all the jails. It was further stated that, after expiry of period of Panchayat, the same were recently constituted in DJs, Adilabad, Mahabubnagar, Nalgonda and Sangareddy.

The response of Government could not be verified as details of the constitution of the Panchayats were not furnished to Audit. In fact, during the survey of prisoners conducted by Audit, 47 convicts (42 *per cent*) and 78 undertrial prisoners (53 *per cent*) stated that Prisoners' Panchayat was not constituted.

2.5 Board of Visitors

As per Provisions 26.01 to 26.07 of MPM 2003, the State Government shall, by notification, constitute a Board of Visitors comprising Official and Non-official members at District and Sub-divisional level. The Board of Visitors is required to meet in the office of the Superintendent of prisons at least once in every quarter.

The task of the Board of Visitors include the following:

- (a) Monitoring the correctional work in prisons, with special attention to the degree and quality of training and effectiveness of infrastructure/facilities in the prisons;
- (b) Suggesting new avenues leading to improvement in correctional work; and
- (c) Going into individual or collective grievances of prisoners and providing redressal in consultation with the prison authorities.

¹¹ CP, Cherlapally and CP, Hyderabad; District Jails, Karimnagar, Nizamabad and Mahabubnagar; SPW and PAC, Cherlapally

Scrutiny of records revealed that, the Board of Visitors was not constituted in any of the test checked prisons. It resulted in denial of a platform for the prisoners to voice their grievances and seek redressal. The authorities of the sampled prisons, while confirming the non-formation of Board of Visitors, stated that action would be taken in this regard.

Government stated (June 2020) that, the period of Board of Visitors had expired in CPs Warangal, Cherlapally, PAC, SPW and DJs, Mahabubnagar and Nizamabad and that necessary proposals were being submitted to Government for early appointment of Board of Visitors. The absence of the Board of Visitors meant that the rehabilitation and correctional training to be reviewed and to be provided to the prisoners was not reviewed for effectiveness and improvement.

2.6 Positive initiatives by Prisons Department

Since the creation of the State of Telangana, the Prisons Department has been undertaking positive initiatives to improve the living conditions in prisons and has sought to create a conducive atmosphere for reformation. Prisons were beautified and better hygienic conditions have been ensured. The Department also revamped the prisoners' diet to serve good quality food. Water purifying plants were set up in all jails to ensure access to potable drinking water to all the prisoners. Special Mulaquat (meeting) rooms were created and access to sports and recreational facilities was provided. The Prison Department also extended loan facilities to prisoners to aid reformation.

Some of the other positive initiatives noticed in audit were:

- Mandatory master health check being instituted for those who spend more than 7 days in jails;
- Ban on smoking in jails;
- Better mobility for prisoners through increased number of vehicles.

In the Survey conducted by Audit, 213 prisoners (82 per cent) stated that the prison was hygienic, 203 prisoners (78 per cent) stated that the quality of food served in the prisons was good, 197 prisoners (76 per cent) stated that sports and recreation facilities were available and 219 prisoners (85 per cent) stated that mulaquats (meetings) were allowed with family and friends.

2.7 Conclusion

Prisons Department of Telangana has, since the formation of the State in June 2014, undertaken various initiatives for prisoners such as providing hygienic living conditions, recreation and sports facilities, better diet and increased interaction with their families. However, issues of overcrowding (within prisons) and non-segregation of women convicts and undertrials still persist. Industrial training for skill development and employment opportunities to facilitate their rehabilitation are not available to prisoners and the wages paid are not rationalised. Vacancies in the Prisons Department are 30 per cent, suggesting lack of adequate manpower for prison administration and management. The State has not yet approved its own Prison Manual, which could have provisions for inclusive participation and prisoners' welfare such as Prisoners' Panchayat and Board of Visitors.

2.8 Recommendations

- (i) Telangana State should bring out a Prison Manual embodying modern principles and procedures regarding reformation and rehabilitation of offenders in compliance with the directions of the Hon'ble Supreme Court of India and adopt it at the earliest.
- (ii) Prisoners from overcrowded prisons should be transferred to less crowded jails to avoid overcrowding and ensure proper segregation of prisoners and better management of prisons. Diversified institutions should be provided for the segregation of different categories of inmates for proper treatment.
- (iii) Wages should be fair and equitable and should be standardized keeping in view the minimum wages notified by the Government from time to time. Government should ensure increase of wages in line with the NFLMW to reduce the disparity in minimum wages.
- (iv) Recruitment should be taken up in Telangana Prisons to fill up the vacancies in staff for strengthening the security arrangements and streamlining the administration for proper management of prisons.
- (v) Bank accounts should be opened/linked in respect of all the prisoners. All payments must be made to the prisoners' bank accounts before their release from the prison.
- (vi) State Government needs to create awareness among the prisoners about the necessity of taking up employment and support their efforts for a dignified living after serving their sentence/release from jail, to prevent recidivism.

During Exit Conference, Government assured of remedial action on the points raised by Audit. The recommendations made by Audit were also discussed and accepted by Government.

