Chapter 4
General Living Conditions of Prisoners and Human Rights

4.0 Introduction

General living conditions include basic human needs like accommodation, food, drinking water, sanitation and medical facilities. A person in any kind of detention cannot be deprived of basic human needs. In this chapter, general living conditions of prisoners especially in the context of Amritsar Central Jail have been dealt with. ‘Standard Minimum Rules for the Treatment of Prisoners’ adopted by the United Nations laid down certain guidelines for accommodation, food, water, sanitation and medical facilities. Similar criteria have been mentioned in the Model Prison Manual (2003) in detail: “Living conditions in every prison and allied institution meant for the custody, care, treatment and rehabilitation of offenders shall be compatible with human dignity in all aspects such as accommodation, hygiene, sanitation, food, clothing, medical facilities, etc. All factors responsible for vitiating the atmosphere of these institutions shall be identified and dealt with effectively.”

This chapter has been divided into five parts: Accommodation, Food, Drinking Water, Sanitation and Medical Facilities. Article 10 of the ‘International Covenant on Civil and Political Rights 1966’ says that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Kerala High Court has issued a number of directions regarding Prisoner’s Right to basic human needs.

Punjab State Policy on Prisons has laid emphasis on the living conditions of the prisoners. It says that the living conditions in every prison and allied institutions meant for the custody, care, treatment and rehabilitation of offenders shall be compatible with human dignity in all aspects such as accommodation, food, sanitation, clothing and medical facilities. It further lays stress upon identifying the factors responsible for vitiating the atmosphere of the prisons and dealing with them effectively.

1 Bureau of Police Research and Development of India, Model Prison Manual, 2003
2 Thiruvananthapuram Vs State of Kerala 1993 Cr. L.J. 3242
4.1 Accommodation

Accommodation is a basic need of a human being and a prisoner is also entitled to a minimum space of accommodation during incarceration. The quality of accommodation being provided to the prisoners in India with special reference to Amritsar Central Jail forms the focus of this section. In countries like USA and UK, overcrowding is calculated on the basis of number of cots available in the prisons. In these countries cots or bunker beds are provided to the inmates. However in India prisoners are provided masonry sleeping berths.

4.1.1 Theoretical Framework

The Standard Minimum Rules (UNO, 1955)\(^4\) says that dormitories should be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. It further describes that all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. It suggests that in all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

The Supreme Court of India\(^5\) has laid down certain conditions for general living including accommodation and other basic conditions of prisonization and basic amenities of prisoners. Model Prison Manual (BPRD, 2003) has also recommended various measures to provide adequate and hygienic accommodation for the prisoners. Bureau of Police Research and Development of India has also suggested a layout plan of a model barrack. ‘Draft National Policy on Prison Reforms’ has stressed upon the


\(^5\) Rama Murthy vs. State of Karnataka (1997) 2 SCC 642
need of accommodation having basic human amenities. It says that all accommodation provided for use of prisoners, particularly for sleeping, will meet basic requirements of healthy living.\(^6\)

### 4.1.2 Actual Scenario

As per Punjab Jail Manual, each berth should be six and a half feet long, two and a quarter feet broad and eighteen inches high and shall be constructed with a slight slope down from the head\(^7\). However, the actual situation is that the berths have been broken to give space to the inmates because of overcrowding which shows the poor quality of life in the prisons. Recently, prison authorities have provided wooden cots in Barrack no. 4 and 5 of Amritsar Central Jail with community support. But in other barracks, the situation is very alarming. This adversely affects conditions like food, hygiene and sanitation such as health and drinking water.

In order to assess the quality of accommodation, prisoners’ views were obtained. Majority of the respondents (95 percent) expressed dissatisfaction with the kind of accommodation provided to them. Table 4.1 and Figure 4.1 show the distribution of respondents on the basis of their views whether they are satisfied or not with the available accommodation.

<table>
<thead>
<tr>
<th>Liking expressed as</th>
<th>Number of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfied</td>
<td>15</td>
<td>5</td>
</tr>
<tr>
<td>Not satisfied</td>
<td>285</td>
<td>95</td>
</tr>
<tr>
<td>Total</td>
<td>300</td>
<td>100</td>
</tr>
</tbody>
</table>


\(^7\) Supra Note 3, Para 891
The responses about the quality accommodation have been obtained from the prisoners and are reproduced below:

Majority of the respondents observed, “Barracks are very crowded, less space, sleeping on floor, insects roaming on our bodies and mosquitoes bite during night. Barracks are very dirty and we are facing problems of bees.”

Some respondents stated, “There is lot of rush of inmates in the barracks. The sleeping khadas (berths) are broken and there is only one bathroom in the barrack for 50 to 70 inmates.”

A few respondents pointed out that “The condition is not favourable for human being and two living men sleep in space of one man. They have to suffer with many diseases especially skin diseases.”

Other respondents mentioned that “The main problems in the barracks are: Overcrowding, smoking, inhuman accommodation. .... One has to lie down on the floor.”

One respondent indicated that “I can't sleep properly because the place for sleeping is very congested. We have no almirah in rooms, so our clothes and other things are hung on hangers and our belongings are often stolen. There is suffocation during the summer at night. There are many insects on our beds at night. The lighting is not proper at night.”

Some inmates stated that “Due to overcrowding in the barracks, the place for sleeping is not available to every person. So they often quarrel with each other.”
for sleeping place. In summer, the power cuts often occur at night and it becomes difficult to breathe in that suffocated room. The barracks are too old and dilapidated. At night ants and insects roam over our bodies and bite us.”

Another respondent observed, “There is only one toilet in the room. There is no bathroom. The rooms are not clean. Rooms are full of bees, ants, insects, rats.”

Many respondents pointed out: “The present space of room can adjust only 25 to 30 persons. But when 70 to 80 persons are kept in the same room there is no space left for the persons to sleep. Every day people quarrel to snatch place from each other to sleep. To sleep on the rough and hard ground hurts us physically and mentally. During summer at night, there is so much suffocation in the rooms to breath properly.”

Majority of the respondents observed: “In a space for 25-30 people, more than 70-80 people sleep together. This causes diseases mainly asthma and skin problem. Are these our rights?”

From these responses, it is easy to assess the plight of prisoners in the jails. More or less similar condition is prevalent in almost all the jails of India. This is because of overcrowding as well as poor condition of accommodation.

**4.1.3 Suggestions to Improve Quality of Accommodation**

The ‘Draft National Policy on Prison Reforms’\(^8\) lays down specific guidelines for the accommodation and stresses upon basic requirements of healthy living. It pays due regard to climatic conditions, cubic contents of air, minimum floor space, lighting and ventilation. Minimum space for barracks per prisoner has been specified as per the following scale:

<table>
<thead>
<tr>
<th>Square meters of ground areas</th>
<th>Cubic meters of air space</th>
<th>Square meters of lateral ventilation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.71</td>
<td>15.83</td>
<td>1.12</td>
</tr>
</tbody>
</table>

\(^8\) *Supra Note 6, p.137*
The prisoners also offered some suggestions to improve the quality of accommodation being provided. Majority of them stated: “We should be provided beds to save us from insects and reticules. To remove suffocation, there should be more fans inside the rooms with special exhaust fans. We should be provided neat and clean room like that hostel rooms of some University.” Many respondents stated: “Strength of prisoners should be as per the capacity of barrack. Bedding is very old and dirty.”

Some respondents pointed out: “The lighting arrangements should be proper and prisoners should be reduced in the barrack.” Others emphasised: “New and clean rooms should be constructed. Bed, clean and good quality blankets and bedsheet should be provided. To keep the room clean, there should be spray to remove mosquitoes. More fans and exhaust fans should be installed. Tube-lights should be installed in place of bulbs.”

Many respondents suggested that cots or bunker beds should be provided as per foreign prisons as this is the minimum basic need of a human being. There should not be more than 25 inmates in one room of a barrack. Some respondents expressed the view that a fixed or in-built shelf should be provided for each inmate so that he may keep his belongings there. Some mentioned that sufficient artificial light should be provided to enable the prisoners to work and read without difficulty in their barracks after dusk.

4.1.4 Suggested Layout of a Model Barrack

On the basis of observations made by the researcher as well as discussions with the inmates and prison officers, a layout of a model barrack has been prepared as shown in Figure 4.2. The enlarged view of the same has been shown as Figure 4.3. The suggested basic features of the model barrack are as follows:

1. Each barrack should have independent enclosure having all essential facilities including kitchen and dining.

2. It will be in the area of 160 feet length and equal breadth.

3. Dormitory: This model barrack will have two dormitories and every dormitory (21’ x 65”) having capacity to accommodate 25 inmates.
4. Beds: Wooden beds should be provided in the barracks for sleeping rather than cemented berths.

5. Toilets: Attached toilet having 4 WCs besides 4 bathrooms (21’x12’) should be provided in every room/dormitory.

6. Kitchen: Kitchen (22’x20’), pantry (14’x16’) and dining room (38’x20’) should be constructed in every barrack. Committees of prisoners should be set up to supervise the preparation and distribution of food.

7. Drinking water: Every barrack should have one water cooler.

8. Games: Adequate space should be provided for badminton and volleyball courts for evening games.

9. Recreation facilities should also be provided in every barrack.
Figure 4.3
Model Barrack (Enlarged view)
4.2 Food

Food is a basic requirement of human life. A prisoner is entitled to get adequate food of reasonable quality to maintain his health. An average man is required to be provided at least 2000 calories a day to keep him fit. For preparation and distribution of food inside the prisons, sufficient guidelines have been given in the Prison Manuals. Normally food is prepared in the community kitchens and distributed by the inmates under the supervision of Kitchen In-charge of the Prison. Inmates are deputed in the kitchens by rotation by the kitchen in-charge.

4.2.1 Theoretical Aspect

*Standard Minimum Rules for the Treatment of Prisoners*\(^9\) states that “(1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. (2) Drinking water shall be available to every prisoner whenever he needs it.”

Chapter 6 of the *Model Prison Manual* (2003) deals with preparation, distribution and quality of food provided to the prisoners. An average man requires approximately 2,000 to 2,400 calories a day. A person who does heavy work requires not less than 2,800 calories per day.\(^10\)

Chapter 32 of the *Punjab Prison Manual* deals with food, its preparation and distribution. It provides for three meals per day: Early morning meal, Mid-day meal and Evening meal.\(^11\) The *Model Prison Manual* (2003) has also discussed about the nutrients required in a person’s daily diet, their quantities and the common sources of nutrients as given in the following Table 4.2:

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\(^9\) *Supra Note 4, Para 20\(^\)
\(^10\) *Supra Note 1, Para 6.01\(^\)
\(^11\) *Supra Note 3, Para 8.11\(^\)
Table 4.2

Details of Nutrients required in a Person’s Daily Diet, Quantities and Source

<table>
<thead>
<tr>
<th>Nutrient</th>
<th>Requirement</th>
<th>Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protein</td>
<td>1g. per kg. of body weight</td>
<td>Pulses, rice, wheat, milk, fish meat, eggs, etc.</td>
</tr>
<tr>
<td>Fat</td>
<td>50 g.</td>
<td>Oils, butter, ghee, milk, eggs, etc.</td>
</tr>
<tr>
<td>Carbohydrate</td>
<td>300 g.</td>
<td>Cereals, sugar, jaggery, milk, root vegetables such as potato, etc.</td>
</tr>
<tr>
<td>Minerals: a. Calcium</td>
<td>0.65 g. for adult, 1 g. for child</td>
<td>Milk, milk products, eggs, green, vegetables, unhusked cereals and whole gram</td>
</tr>
<tr>
<td>b. Iron</td>
<td>12.15 mg.</td>
<td>Vegetables, fruits, fish and meat</td>
</tr>
<tr>
<td>Vitamins: a. Vitamin A</td>
<td>3,000 to 4,000 I.U.</td>
<td>Leafy vegetables, milk, fish, liver oils, yellow vegetables, eggs, carrot and yellow sweet potato</td>
</tr>
<tr>
<td>b. Vitamin C</td>
<td>50 mg.</td>
<td>Tamarind, amla, guava, all citrus fruits, eggs, lime, orange etc., and sprouted pulses, leafy vegetables</td>
</tr>
<tr>
<td>c. Vitamin D</td>
<td>400 I.U.</td>
<td>Fish, liver oils, milk</td>
</tr>
<tr>
<td>d. Vitamin group i. Thiamine</td>
<td>1to 2 mg.</td>
<td>Undermilled cereals and pulse, parboiled rice, whole wheat</td>
</tr>
<tr>
<td>ii. Riboflavin</td>
<td>1.8 to 3.0 mg</td>
<td>Leafy vegetables, eggs, fish, milk and milk products</td>
</tr>
<tr>
<td>iii. Nicotinic acid</td>
<td>10 to 15 mg.</td>
<td>Undermilled cereals, pulses and parboiled rice</td>
</tr>
</tbody>
</table>
Other important provisions of *Model Prison Manual 2003* regarding food of prisoners are given below in brief:

1. Every prisoner shall have three meals a day according to the scales prescribed. These shall be:
   (i) A light meal in the morning before the hour of work;
   (ii) A midday meal; and
   (iii) An evening meal before prisoners are locked up for the night.

2. Variety in the diet may be introduced by issuing different kinds of pulses, vegetables and antiscorbutics on different days of the week or for different meals. The Superintendent may lay down menu for different days of the week.

3. Where chapatti/bread is given to prisoners, the same should be prepared in prescribed weights for different classes of prisoners, and cooks should be informed beforehand of the prescribed weights.

4. Dal should be husked and unhusked grains properly cleaned out before cooking.

5. Vegetables issued shall be free from stalks and leaves and shall be cut for cooking before being weighed and delivered to the cooks. Potatoes or other root vegetables should form at least one-third of the total quantity of vegetables. All vegetables should be examined daily by the Chief Medial Officer or his subordinate Medical Officer.

6. Cooking may be done in stainless steel vessels. All cooking utensils must be kept clean and shining and the kitchen and eating area too must be clean and tidy.

Information in terms of daily time-table of food, weekly menu and daily scale of diet provided to the prisoners of Amritsar Central Jail was gathered with the help of prison officers responsible to manage the food and kitchen on day to day basis.

Table 4.3 shows the details of daily time-table of food and tea served to the prisoners as per information collected from the authorities of Amritsar Central Jail.
Table 4.3
Daily Time-table of Food of the Prisoners

<table>
<thead>
<tr>
<th>Daily schedule</th>
<th>Food item</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morning Tea</td>
<td>One Cup</td>
<td>6:30 A.M.</td>
</tr>
<tr>
<td>Breakfast and Lunch</td>
<td>(6 Chapatis and Dal or Vegetable)</td>
<td>8:00 A.M.</td>
</tr>
<tr>
<td>Afternoon Tea</td>
<td>One cup of tea and 60 grams Channa</td>
<td>2:30 P.M.</td>
</tr>
<tr>
<td>Dinner</td>
<td>(6 Chapatis and Dal or Vegetable)</td>
<td>5:15 P.M.</td>
</tr>
</tbody>
</table>

Weekly menu of the food provided to the prisoners is given below (Table 4.4) as per information displayed at the kitchens of Amritsar Central Jail:

Table 4.4
Weekly Menu of Food of Prisoners of Amritsar Central Jail

<table>
<thead>
<tr>
<th>Week Day</th>
<th>Morning</th>
<th>Evening</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>Mash whole</td>
<td>Moong whole</td>
</tr>
<tr>
<td>Tuesday</td>
<td>Moong whole</td>
<td>Masoor whole</td>
</tr>
<tr>
<td>Wednesday</td>
<td>Masoor whole</td>
<td>Mash whole</td>
</tr>
<tr>
<td>Thursday</td>
<td>Mash whole</td>
<td>Moong Whole</td>
</tr>
<tr>
<td>Friday</td>
<td>Moong whole</td>
<td>Masoor whole</td>
</tr>
<tr>
<td>Saturday</td>
<td>Mash whole</td>
<td>Moong whole</td>
</tr>
<tr>
<td>Sunday</td>
<td>Dal Channa</td>
<td>Masoor whole</td>
</tr>
</tbody>
</table>

On the basis of Table 4.3 and 4.4, it can easily be observed that prisoners are provided either vegetable or dal (pulse) which is not sufficient to fulfil the nutritive requirements of an adult human being. Vegetable should be served alongwith dal at least once a day. Similarly rice should be served at least once a day alongwith chapatti. Milk and fruits are also missing from the menu, which are minimum requirements of a human body. Biscuit can be served occasionally as an alternate to channa (gram).
Daily scale of diet of prisoners is shown in table 4.5 as per information displayed at the kitchen of Amritsar Central Jail:

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity for Normal inmates</th>
<th>Quantity for inmates admitted in prison hospital</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flour (Atta) or Rice</td>
<td>580 grams or 465 grams</td>
<td>350 grams or 465 grams</td>
</tr>
<tr>
<td>Dal</td>
<td>85 grams</td>
<td>70 grams</td>
</tr>
<tr>
<td>Ghee</td>
<td>15 grams</td>
<td>07 grams</td>
</tr>
<tr>
<td>Channa</td>
<td>60 grams</td>
<td>------</td>
</tr>
<tr>
<td>Salt (Namak)</td>
<td>15 grams</td>
<td>7 grams</td>
</tr>
<tr>
<td>Sugar</td>
<td>40 grams</td>
<td>40 grams</td>
</tr>
<tr>
<td>Milk Wet</td>
<td>50 grams</td>
<td>50 grams</td>
</tr>
<tr>
<td>Tea</td>
<td>3 grams</td>
<td>2.5 grams</td>
</tr>
<tr>
<td>Masala Veg.</td>
<td>16 grams</td>
<td>7 grams</td>
</tr>
<tr>
<td>LPG (Cooking Gas)</td>
<td>135 grams</td>
<td>135 grams</td>
</tr>
<tr>
<td>Green Vegetable</td>
<td>250 grams</td>
<td>250 grams</td>
</tr>
<tr>
<td>(If available)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tooth Paste</td>
<td>2 grams</td>
<td>2 grams</td>
</tr>
</tbody>
</table>

It is pertinent to mention here that 50 grams of milk is provided in the form of tea. Green vegetable is provided only if it is available in the farm of the jail premises.

**4.2.2 Actual Scenario**

Now it is important to know how far the inmates are satisfied with the food which is being served to them. When they were asked about their satisfaction with food, majority of the respondents (91.3 percent) expressed dissatisfaction with the food provided to them. The prime area of concern is procurement, preparation and distribution. Table 4.6 shows the response of prisoners of Amritsar Central Jail in terms of satisfaction with the food provided to them. [Also see figure 4.4]
Table 4.6
Distribution of Respondents According to Satisfaction with the Food

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfied</td>
<td>26</td>
<td>08.7</td>
</tr>
<tr>
<td>Not satisfied</td>
<td>274</td>
<td>91.3</td>
</tr>
<tr>
<td>Total</td>
<td>300</td>
<td>100</td>
</tr>
</tbody>
</table>

Some of the respondents highlighted the actual situation regarding provision of basic necessities like food which are given below:

Some respondents felt that “The quality of food is not good. We get Dal and six Chapattis twice a day besides tea.”

Others stated that, “Dal is tasteless, Chapattis are hard and half cooked. Tea is not tasty. The grams (chana) are of cheap quality. Only tea without any snacks is harmful.” Some others pointed that there was no proper place for eating food.

One respondent was critical of the quality of food served to them. He stated, “I am not satisfied with the food. The Chapattis are not properly cooked. By the time we are given food, the Chapattis become cold and hard. The Dal is not
tasty. Dal is not fried properly. I become bored by eating Dal every day. We are not provided any healthy food. No Milk, No vegetable, No fruit.”

In nutshell, the quality of food of prisoners is below standard. In December 2009, the inmates of the Maximum Security Prison Nabha (Punjab) went on hunger strike sloganeering against the jail authorities for providing them "substandard" foodstuff. In the Central Jail Amritsar, there are two kitchens and every kitchen caters to more than thousand inmates. Recently a new kitchen has been set up in the women’s barrack where approximately 100 women prisoners are lodged. Women inmates are more or less now satisfied with the kitchen where they cook food themselves.

4.2.3 Suggestions to Improve the Quality of Food

Prison authorities while accepting the poor quality and mismanagement in preparation and distribution of food, however, attribute this to the poor infrastructure and overcrowding. They also suggest barrack-wise preparation and distribution of food besides proper kitchen and dining hall.

Some suggestions offered by the prisoners and prison officers to improve the quality of food are:

1. Menu should be prepared in consultation with inmates and it should be properly displayed in every barrack.

2. There should be separate kitchen and dining hall for every barrack. Mess should be provided with tables and chairs for dining.

3. Hot and fresh cooked food should be served. Milk, Vegetables, Fruits, Salad and Eggs should be provided. Food should be given in proper and entitled quantity.

4. Breakfast should be provided in the morning and lunch in the afternoon, besides dinner in the evening.

5. Food should be clean, fresh and hygienic. Healthy and balanced food should be provided containing vegetables, butter, curd porridge, pickles, salad, milk etc.

13 The Tribune, Chandigarh, 9 December 2009
6. Balanced and nutritious food should be provided thrice a day. Milk should also be provided. Proper arrangement should be made in the barracks with halls containing tables, chairs and fans.

7. Three Meals should be provided consisting of chapattis, dal and vegetables. There should be provision for non-vegetarian food also. Good quality food, fruit, salad and balanced diet should be provided.

4.3 Drinking Water

Drinking water is one of the basic human needs. A person under incarceration requires to be given clean and hygienic water to drink.

4.3.1 Theoretical Framework

*Standard Minimum Rules*\textsuperscript{14} (UNO, 1955) says that Drinking water shall be available to every prisoner whenever he needs it. In the chapter six of the *Model Prison Manual*\textsuperscript{15} (2003), it has been emphasised to provide clean water for the purpose of drinking. The relevant provisions of the manual are:

“6.83. Wherever corporation, municipal, panchayat, township or cantonment water supply exists, arrangements shall be made to connect the prison with it

6.85. The mouth of every drinking water well shall be completely closed and the water shall be raised by a pump. The surface surrounding the well at its mouth shall be covered with a sloping cement platform with a drain around it to carry spilt water, and the well shall be lined to a sufficient depth to render the tube impermeable.

6.86. Every well shall be cleaned out once a year, and the date on which it is done shall be recorded.

6.87. Once a week, the depth of water in each drinking water well shall be tested and a record of the results maintained.

\textsuperscript{14} Supra Note 4, Para 20 (2)
\textsuperscript{15} Supra Note 1, Para 6.83-6.92
6.88. Drinking water may be filtered as per the directions of the Inspector General, on the advice of medical and municipal authorities.

6.91. Suitable arrangements shall be made to supply every inmate of a ward and cell with sufficient quantity of fresh drinking water through taps during day and night. It shall be the responsibility of the warder on duty to see that sufficient drinking water is available before the prisoners are locked-in.

6.92. Prisoners at work shall be supplied with an adequate quantity of drinking water. If water is to be stored, it shall be done in covered receptacles which must be thoroughly cleaned every day.”

4.3.2 Actual Scenario

Prisoners’ views were elicited to know the ground reality of drinking water supplied to them. Majority of the respondents (79 percent) expressed dissatisfaction with the quality of drinking water provided to them. The remaining 21 percent respondents live in the barracks where submersible pumps have been installed with community support. Table 4.7 and Figure 4.5 show the response of prisoners of Amritsar Central Jail on the drinking water provided to them.

Table 4.7
Distribution of Respondents According to Satisfaction with Drinking Water

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfied</td>
<td>63</td>
<td>21</td>
</tr>
<tr>
<td>Not satisfied</td>
<td>237</td>
<td>79</td>
</tr>
<tr>
<td>Total</td>
<td>300</td>
<td>100</td>
</tr>
</tbody>
</table>
There is only one water cooler available near the temple in the Central Jail-I which has been donated by a former inmate. But it hardly caters to the requirements of around one hundred inmates. During an informal conversation with the researcher, the inmate (donor of the water cooler) revealed that when he was inside the Jail as an inmate, he felt the need of clean drinking water which was not available in the jail. Hailing from a middle class farmer family, the inmate offered to donate a water cooler and installed it near the temple being a common place so that every body could be able to get drinking water from there.

The prime area of concern is unavailability of filtered water and the fear of its being mixed with toilet water. To bring out actual situation on the facility of drinking water, some of the inmates were interviewed in an informal atmosphere.

Many respondents pointed out, “Drinking water is contaminated with green calves. Water is not available 24 hours. Cold water is not provided in summer.”

Others remarked, “Dirty water which is not drinkable and there is joint supply of water for toilets and bathrooms. People get water from toilet tap. No other tap is there in the room. Same tap is used for toilet purposes and for drinking.”
Some respondents pointed out, “There is only one tap in the toilet which is used for toilet purposes as well as for drinking. At night the water is not available after 8 P.M.”

Majority of the respondents highlighted: “Dirty water is provided for Drinking. Water supply pipes are in very bad conditions due to which there is always a risk of diseases.”

A few respondents stated that the Water is dirty and not fit for drinking. The water is too hot during summers.

It is evident from the abovementioned averments that there is a wide gap between theory and practice. Water is a basic necessity of a human being. Toilet water and drinking water are in the same tank and come from the same taps which is a major human rights concern. The prisoners are always vulnerable to diseases because of contaminated drinking water. There is an urgent need to look into this issue as per guidelines given in the Model Prison Manual.

### 4.3.3 Suggestions to Improve the Quality of Drinking Water

Here are some suggestions to improve the drinking water facilities given by the inmates:

1. “There should be proper arrangement for drinking water particularly at night. Cold water should be provided during summer.
2. Water cooler should be installed for filter and cold water.
3. Clean and hygienic water should be provided. Water coolers should be installed in every barrack.
4. Separate toilet and bathrooms be constructed. Separate drinking water facilities should be arranged.
5. Clean and hygienic water that is separate from toilet should be provided. Cold water should be provided in summer.
6. Water supply of pure drinking water must be ensured. Drinking water and toilet water must be in separate pipes.
7. Water pipes should be properly cleaned.
4.4 Sanitation

Sanitation is one of the most basic human rights issues of the prisoners. As per *Draft National Policy on Prison Reforms*, hygienic conditions in prisons are adversely affected by shortage of latrines, urinals and bathrooms due to overcrowding, improper construction of urinals and night latrines inside barracks, general non-availability of flush system in latrines and no sewer lines in prison campus, leading to choking of sewerage system. Sock pits are choked due to entry of other water than meant for, improper and obsolete drainage system, no rain water harvesting system and no system to recharge ground water by rain water.16

4.4.1 Theoretical Framework

The *Standard Minimum Rules*17 say that the sanitary installations shall be adequate to enable every prisoner to comply with the calls of nature when necessary and in a clean and decent manner. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower at a temperature suitable to the climate as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

Each Barrack used for sleeping should have sufficient number of attached WCs, urinals and wash places. The ratio of such WCs will be one unit per 10 prisoners. The ratio of the WCs which can be used during day time will be one unit per six prisoners. Latrines will be of the sanitary type with arrangements for flushing and privacy. Each cell should be provided with a flush type latrine. Every prison should be provided covered cubicles for bathing at the rate of one for every 10 prisoners with proper arrangement to ensure privacy. Taking into consideration that daily requirement of water of an individual is about 135 liters, there will be an arrangement for the adequate supply of water in every prison. Each prison will have an independent standby arrangement of water supply.18

16 Supra Note 6, p.136
17 Supra Note 4, Rule 12-13
18 Supra Note 6, pp.137-138
4.4.2 Actual Scenario

As regards sanitary conditions in the Amritsar Central Jail, the prisoners’ views were obtained to understand the actual situation. An overwhelming majority of the respondents (93 percent) expressed dissatisfaction with the available sanitary conditions. The remaining 7 percent were mostly women where flush system has been installed in one newly constructed barrack. Table 4.8 summarises the responses given by the prisoners of Amritsar Central Jail on sanitary conditions. [Also see figure 4.6]

Table 4.8
Distribution of Respondents According to Satisfaction with Sanitary Conditions

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfied</td>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td>Not satisfied</td>
<td>279</td>
<td>93</td>
</tr>
<tr>
<td>Total</td>
<td>300</td>
<td>100</td>
</tr>
</tbody>
</table>

Figure 4.6
Distribution of Respondents According to Satisfaction with Sanitary Conditions

Toilets are located in every barrack outside the living area and can be used only after lock up time. However emergency toilets are attached with rooms to use during lock up period. One room has only one toilet sheet which is not sufficient for 80-90 inmates.
Some of the respondents pointed out that “Sewerage system is very bad and there is shortage of toilets. The existing toilets are of old model and built on traditional pattern without flush system. Seats are broken and full of germs. There is acute shortage of water in the toilets.”

Others stated that Soap and toothpaste is provided only once a month and is of poor quality.”

Some of the respondents highlighted that long queues of prisoners can be seen outside the toilets.

Some observed that the rooms of the barracks have single toilet to be used by 80 to 100 persons leading to chaos and mismanagement. It causes a lot of problems during lockup period as well as at night. Water supply is also not regular.

Thus it is seen that sanitary conditions in the jails are inhuman and require to be dealt with sincerely. The situation has become alarming because of overcrowding. The WHO has rightly quoted that hygiene and sanitation conditions are far from satisfactory. “Although India has a low imprisonment rate, occupancy in prisons is generally far above capacity. The national average occupancy rate is 144.7%, but varies from city to city. In 2005, it was 197.1% in Delhi and 318.2% in Jharkhand. The Arthur Road Jail in Mumbai has a capacity of 820 but in 2004 it housed more than 3400 inmates. Tihar Jail has a capacity of 6250 inmates but housed 14,126 prisoners in 2006. There is a lack of nutritious food, and hygiene and sanitation facilities are severely lacking.”

Therefore, it is necessary that the measures suggested in the Model Prison Manual as well as in the Draft National Policy should be complied in letter and spirit within a time frame.

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19 World Health Organization, Regional Office for South-East Asia: HIV Prevention, Care and Treatment in Prison in South-East Asia, 2007, Para 5.1.2
4.4.3 Recommendations to improve the sanitary conditions

A summation of the views and discussions with prison officers and prisoners to improve the sanitary conditions is given below:

1. There should be three or four toilets in every room. There should be three to four separate bathrooms in every room. The toilets and bathrooms should be neat and clean. Water supply should be provided round the clock.

2. New Toilets should be constructed in every barrack with flushing system.

3. For bathing purpose, a big water tank with taps and covered bath room should be constructed in each barrack.

4. The sewerage and drainage system should be laid underground.

5. Replace old model and broken toilet seats, to prevent cockroaches from coming out of the seats and roaming on the body of prisoners at night.”

6. Every ward and barrack in the jail should be a self-contained unit for sanitation and hygiene needs.

4.5 Medical Facilities

Every incarcerated human being is entitled to adequate medical facilities as per need. It is another grey area in the prison conditions which affect the life of the inmates badly. Lack of adequate medical staff and other healthcare facilities are main area of concern in the jails resulting in deteriorating health conditions of the inmates. Many of the inmates died in the jails because of lack of timely medical care. As reported by WHO\textsuperscript{20}, a special commission of inquiry, appointed after the 1995 death of a prominent businessman in India’s high-security Tihar Central Jail, reported in 1997 that 10000 inmates held in that institution endured serious health hazards, including overcrowding, appalling sanitary facilities and a shortage of medical staff.

Expressing concern over poor medical facilities, Punjab Health Minister Professor Laxmi Kanta Chawla, promised to construct a new hospital in Amritsar Central Jail and also to improve other facilities related with health of the prisoners. The Minister

\textsuperscript{20} \textit{Ibid.}
visited the jail in April 2007 to preside over an AIDS awareness camp organised by the prison authorities in collaboration with Punjab unit of the Red Cross Society.\textsuperscript{21}

4.5.1 Theoretical Framework

Advocating the need for proper medical check up and other facilities, \textit{Standard Minimum Rules for Treatment of Prisoners} elaborates, “at every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry”. It further describes that the medical services should be organized in close relationship to the general health administration of the community or nation. These shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality. Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. The services of a qualified dental officer shall be available to every prisoner.\textsuperscript{22}

It further lays stress on routine check-up of prisoners. The medical officer shall have the care of the physical and mental health of the prisoners and should daily check all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially required. The medical officer shall report to the director whenever he considers that a prisoner’s physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.\textsuperscript{23}

\textit{Body of Principles} (UNO, 1988) has also given due consideration to health of the prisoners. It says, “A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be

\textsuperscript{21} \textit{The Tribune}, Chandigarh, 15 April 2007.
\textsuperscript{22} Supra Note 4, Rule 22
\textsuperscript{23} Supra Note 4, Rule 25
provided whenever necessary. This care and treatment shall be provided free of charge.”

The Supreme Court of India\textsuperscript{25} in a historic judgement has laid down principles to implement the recommendations of the Mulla Committee\textsuperscript{26} made in Chapter 29 on the subject of giving proper medical facilities and maintaining appropriate hygienic conditions and to take required steps. Kerala High Court\textsuperscript{27} in a significant judgment has stressed upon the Prisoner’s Right to Basic Human Needs and advocated that basic items for healthcare and hygiene should be provided to both male and female prisoners.

Chapter 7 of the \textit{Model Prison Manual} (BPR&D, 2003) has given detailed specifications for the requirement of medical facilities in the prisons. It says that “Medical administration is one of the most important concerns of prison management. The Medical Officer of a prison has to give careful attention not only to the treatment of sick prisoners but also to every matter connected with the health of prisoners and overall hygiene of the prison.” It has specified the need of proper ‘Prison Hospital’ as A type and B type as follows:


d Hospital accommodation should be provided on the scale of 5% of the daily average of the inmate population in all Central and District Prisons. The prison hospitals may be of Types ‘A’ and ‘B’. Big hospitals, with 50 beds and above shall be called 'A' type hospitals. Other hospitals, with less than 50 beds, shall be called ‘B’ type hospitals.”

Table 4.9 shows the requirement of staff and equipment for A and B types of hospitals:

\begin{itemize}
  \item \textsuperscript{24} \textit{Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment}, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), Para 24
  \item \textsuperscript{25} \textit{Rama Murthy Vs State of Karnataka}(1997) 2SCC 642
  \item \textsuperscript{26} All India Committee on Prison Reforms (1980-83)
  \item \textsuperscript{27} Kerala High Court, \textit{A Convict Prisoner in the Central Prison, Thiruvananthapuram Vs State of Kerala}(1993 Cr. L.J. 3242)\end{itemize}
Table 4.9
Staff and Equipment for the Two Types of Hospitals

<table>
<thead>
<tr>
<th>Officers</th>
<th>'A' Type</th>
<th>'B' Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Chief Medical Officer (in the rank of Civil Surgeon with Post Graduate Qualification)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2  Assistant Civil Surgeons</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>3  Staff Nurses</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>4  Pharmacists</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>5  Male/Female Nursing assistants</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>6  Laboratory Technicians (to be trained in handling all equipments including E.C.G., X-ray and portable X-ray machines)</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>7  Psychiatric Counsellors</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>8  Junior Assistant</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

4.5.2 Actual Scenario

However, the actual scenario in the prisons is far from the ideal specifications. To understand the reality behind the issue, 300 inmates of Amritsar Central Jail were interviewed. Over 93 percent inmates expressed dissatisfaction with the medical facilities available to them. In this Prison where more than 2500 inmates are lodged, only two medical officers have been posted. There is no lady doctor despite the fact that more than 100 women prisoners have been housed here. Similarly there is neither a psychiatrist nor a dentist in this prison. Table 4.10 shows the response of the inmates of Amritsar Central Jail in terms of medical facilities: [Also see figure 4.7]

Table 4.10
Distribution of Respondents in Terms of Satisfaction with Medical Facilities

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfied</td>
<td>19</td>
<td>06.4</td>
</tr>
<tr>
<td>Not satisfied</td>
<td>281</td>
<td>93.6</td>
</tr>
<tr>
<td>Total</td>
<td>300</td>
<td>100</td>
</tr>
</tbody>
</table>
Prisoners’ views were elicited on specific problems regarding medical facilities available in Amritsar Central Jail. Some of the respondents stated: “There is discrimination in providing medical facility. The influential people get hospital facility even outside the jail; nobody cares for poor and those who actually require treatment.”

Most of them remarked: “A single medicine is provided for every ailment. No proper treatment is given to the patients.”

A few pointed out: “The hospital is being run in a make-shift accommodation. There is no proper building for the hospital.”

One general observation of prisoners was: “Doctor does not visit the barracks to check-up the patients. A person called ‘Munshi’ delivers the medicine who does not know about the medical science.”

Some of the respondents stated: “There is a general tendency of misuse of medical facility by rich and influential prisoners. The rich man can get bed in the hospital without any disease. Influential prisoners can be seen even in the government hospitals outside the jail on the pretext of illness.”

Figure 4.7
Distribution of Respondents in Terms of Satisfaction with Medical Facilities

- Satisfied: 6.33%
- Not satisfied: 93.67%
Some female inmates mentioned: “There is no lady doctor to attend female inmates. Even there is no lady attendant or nurse in the prison.”

It was also pointed out that there was no laboratory in the prison even for normal tests.

It is obvious from the above observations that medical facilities are not available to the prison inmates as per need and there is discrimination between poor and rich. Pointing out the discrimination and nexus of medical officers with prisoners of influential backgrounds, *The Tribune* describes, “The undertrial prisoners and convicts having high connections or “money power” can enjoy comforts of home by getting themselves admitted to private AC rooms of the government hospitals.” A surprise raid conducted by Punjab Vigilance Bureau found one prisoner from Amritsar Central Jail admitted to a private air-conditioned room of the government hospital Amritsar in October 2007.

### 4.5.3 Recommendations to Improve Medical Facilities

On the basis of discussion with the prisoners as well as doctors of the prison the following remedial measures can be suggested to improve the quality of medical facility:

1. A new hospital should be constructed with modern medical facilities. Doctors should be available round the clock. Laboratory facility should be available at least for routine test.

2. Doctors should visit the barracks regularly and examine the sanitary conditions as well as patients and give proper medicine to them.

3. Patients suffering from T.B. and HIV should be separated from other inmates.

4. The number of doctors and other supporting staff should be increased as per norms given in the Model Prison Manual.

5. There should not be any kind of discrimination in providing medical aid to the inmates.

6. One lady doctor should be appointed on permanent basis where more than 50 female inmates are lodged.

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It is evident from abovementioned facts that basic human conditions in the prisons are in a terrible shape. The basic human needs like food, drinking water, sleeping space, sanitation and medical aid are required to be provided to the prisoners with human touch to make way for reforms and treatment.