Karnataka Lokayukta

(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE

NUMBER COMPT/UPLOK/BD/4634/2022

District: Chikkaballapur

BY:

1. Suo Moto

As per the Order of Honble Upalokayukta, Dated: 15/11/2022.

COMPLAINANT/S

AGAINST:

1. S.H. Jayaramaiah

Superintendent, District Prison, Chikkaballapura.

2. Shoba

Jailor, District Prison, Chikkaballapura.

3. C. Rajanna

Head Warder, District Prison, Chikkaballapura.

4. M. Shashikumar

Assistant Jailor, District Prison, Chikkaballapura.

5. C. Pramod

Head Warder, District Prison, Chikkaballapura.

6. Vinodkumar C.S.

Warder, District Prison, Chikkaballapura.

7. Kumari Mohanambika M.

Warder, District Prison, Chikkaballapura.

8. Sekhargowda S. Gowdru

Warder, District Prison, Chikkaballapura.

9. Divya M.D.

Warder, District Prison, Chikkaballapura.

10. Vanitha N.K.

Warder, District Prison, Chikkaballapura.

RESPONDENT/S

Allegation/Grievance

Dereliction of duty.

Brief:

Received From:

Suo Moto

Received On:

15-11-2022

Complaint stands

DRE-1

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SCRUTINY AND OPINION

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KARNATAKA LOKAYUKTA, BENGALURU

No:

Date: 14-11-2022

Preamble: Tour Programme of Hon'ble Shri. Justice K.N. Phaneendra, Hon'ble Upalokayukta, State of Karnataka to Chikkaballapura District from 5-11-2022 to 7-11-2022.

ORDER

I, accompanied by (1) Shri.C. Chandrashekhar, Additional Registrar of Enquirie-15, (2) Shri. Rajkumar Siddappa Amminbavi, Additional Registrar of Enquiries-17 and In-charge Deputy Registrar of Enquiries-1 and (3) Shri. Channakeshava Reddy M.V., Deputy Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru visited Chikkaballapura on 5-11-2022 till 7-11-2022 for hearing public grievances, receiving the complaints/petitions and also for enquiry and disposal of pending complaints relating to Chikkaballapura District.

2. On 5-11-2022, while hearing pubic grievances in Zilla Panchayath Hall, about 50 girl students of Women's First Grade College, Chikkaballapura had appeared and orally submitted their grievances about unfinished College building, flooding of premises during rain and other logistics and infrastructure deficiencies and had made a fervent plea to visit and inspect the said College premises and redress their



grievance. In this back ground, on 6-11-2022, it was felt to make surprise inspection of the said College premises, District Government Hospital, District Prison and some Hostels managed by the Social Welfare Department.

- 3. Apart from the aforesaid Officers, Shri. Nagaraj, Dy. Commissioner, Chikkaballapura District, Shri. Pavan Nejjur, S.P., Karnataka Lokayukta, Chikkaballapura District, Shri. P. Shivashankar, Chief Executive Officer, Zilla Panchayath, Chikkaballapura District, Dr. Santosh kumar, Assistant Commissioner, Chikkaballapura Subdivision, had also accompanied me during my surprise visits to the above places.
- 4. On 6-11-2022 at about 5-00 p.m. we had visited the District Prison, Chikkaballapura. Names of all the Officers, their designation, time, etc were entered in the "In and Out Book" kept in the entrance of the Prison premises. It came to my notice that Sri. S.H. Jayaramaiah was not present in the Jail premises and we were informed by one Sri. C. Rajanna, Head Warder, District Prison that the Superintendent was present in the Jail premises till afternoon and as it was a Sunday, he had left the premises later in the afternoon. No other Senior Prison Staff were present at the time of our visit.

- 5. I, along with the above Officials, had thereafter met Under Trial Prisoners (UTP) and convicts lodged in the District Prison and enquired about their well being, facilities given to them, food and hygiene, medical facilities etc. The inmates had orally brought to my knowledge and I had also noticed the following deficiencies;
- (a) Out of the 24 C.C. T.V. Cameras installed in the Prison premises, only 14 were working. Register maintained in the Prison Office reflected that from 1-10-2022, 10 C.C. T.Vs were not in order (not functioning). No action appears to have been taken to rectify/repair the 10 C.C. T.Vs that were not functional, no explanation offered by anybody. (Extract of Register marked as Annexure-I);
- (b) There are power cuts from the past 4 to 5 months, especially during night hours, and Generator/UPS is not switched on. Candles are also not given due to which inmates face lot of difficulties in using toilet etc;
- (c) Facilities of toilet and urinals are provided in the cell housing under trial prisoners, but it was noticed that there is no privacy and the doors of some of the toilets were found missing and steps were not taken to fix the doors. Plates, steel glasses and other

utensils provided to the prisoners kept in uncleaned and unhygienic place. The cell was also unhygienic and not cleaned properly. The inmates also complained of mosquito menace and mosquito coil or repellants are not provided. The prison staff has not given much attention to hygiene and cleanliness of the cell which has impact on the health of the inmates (3 Photo Extracts together marked as Annexure-II);

- (d) Water seepage noticed in the UTP cell roof and the Prison Superintendent had not taken any action/steps to repair the same (Photo Extract marked as Annexure-III);
- (e) Regular medical facilities are not provided. Tablets and medicine not provided to the sick inmates even though requests are made;
- (f) Abusive/foul language used by the prison staff;
- (g) Demand of bribe by the prison staff from the family members who come to visit the inmates;
- (h) Substandard food given to the inmates. One of my Officer's had tasted the Sambar prepared for dinner for the inmates and found that it did not comply the requisite standard and the prisoners food chart. It appears to be clear violation of *Dietary Provisions i.e.*

Sections 81 to 90 of the Karnataka Prison Rules, 1974 (Extract of Food Chart and Photo Extracts marked as Annexure-IV [4 Pages]);

On verification of Cash Declaration Register, (i) only one staff namely Sri. Shashikumar had declared cash of Rs.1,480/-. No other staff had declared cash on hand on that day i.e. 6-11-2022. On verification of the said Register, it was seen that on 4-11-2022 and 5-11-2022, only one staff had declared the cash, on 3-11-2022 only two members of the staff had declared the cash, on 1-11-2022 and 2-11-2022 none of the staff had declared the cash and on 31-10-2022 only four staff members had declared the cash with them. This shows that the prison staff are not declaring cash in the Register kept for that purpose daily and the Jail Superintendent has not given any directions or sought any explanation from the staff who are not regularly declaring the cash in the Register. Even in the month of October-2022, one or two Staff members have declared the cash in the Register. I have also noticed that from 4-11-2022 till 6-11-2022 Superintendent had not affixed his counter signatures in the Cash Declaration Register (Two Extracts of Register marked as Annexure-V);



- (j) On verification of the Attendance Register, it was that the following Officials/staff had not affixed their signatures;
 - 1) Sri. S.H. Jayaramaiah, Jail Superintendent. (not signed attendance register on 29-10-2022, 30-10-2022, 31-10-2022).
 - 2) Sri. M. Shashikumar, Assistant Jailor.
 - 3) Sri. C. Pramod, Head Warder.
 - 4) Sri. Vinodkumar C.S., Warder.
 - 5) Kumari Mohanambika M., Warder.
 - 6) Sri. Sekhargowda S. Gowdru, Warder.
 - Kumari Divya M.D. Warder.
 - 8) Kumari Vanitha N.K. Warder (not signed attendance register on 5-11-2022 and 6-11-2022).
 - 9) Sri. Mavendra Rajan, Peon.

(The Jail Superintendent had also not affixed his counter signature in the Attendance Register). (3 Extracts of Register marked as Annexure-VI)

- (k) The absence of the above Officials, particularly, subordinate Officers is in contravention of **Sec.22 of the Prisons Act, 1884** which reads as follows;
 - "22. Subordinate officers not to be absent without leave. Officers subordinate to the Jailer



shall not be absent from the prison without leave from the Superintendent or from the Jailor....."

- (1)On perusal of the Food Verification Register for the inmates, an endorsement was made by the Jailor Smt. Shoba R. that the dinner served to the prisoners was tasty and the measurement and weight was proper. At the time of my visit the dinner was being prepared and the inmates had not yet consumed their dinner. On verification of In and Out Register it was seen that the Jailor Smt. Shoba R. had the left the jail premises at 15.00 hours (i.e. at 3-00 p.m.) (Extract of Register marked as Annexure-VII); itself and therefore, the Shara written by her in the above Register that she had tasted the dinner prepared for the inmates appeared to be prima facie false as the dinner was not prepared by that time. (2 Extracts of Register marked as Annexure-VIII);
- (m) On verification of the above Registers and questioning of the staff present, it was clear that the Jail Superintendent Sri. S.H. Jayaramaiah had not come to duty on 6-11-2022. His signature was not found in any of the Registers maintained in the Office of District Prison. Therefore the statement given by Sri. C. Rajanna, Head Warder that the Jail Superintendent was present in the premises till afternoon appeared to be false.

- The infrastructure in the form of building, 6. equipment and staff that is provided by Government is at huge cost. The public exchequer spends substantial sum of money for the well being of the under trial prisoners and convicts and also for their health care provided in the Prisons. In view of the above irregularities found during my visit the Senior Prison Staff appeared to be negligent and careless in looking after the inmates by providing quality food and hygienic atmosphere. There is also lack of supervision on their part. These negligent acts on their part, who are entrusted with the responsibility of taking care of the prisoners and their well being, would resulting in denial of Right to life and liberty guaranteed under Article 21 of Constitution of India.
- 7. In this connection, it is useful to refer to the observations made by the Hon'ble Supreme Court in the Case of Sunil Batra (II) V/s. Delhi Administration reported in (1980) 3 SCC 488 which reads as hereunder;
 - "40. Prisoners are peculiarly and doubly handicapped. For one thing, most prisoners being to the weaker segment, in poverty,



literacy, social station and the like. Secondly, the prison house is a walled-of world which is incommunicado for the human world, with the result that the bonded inmates are invisible, their voices inaudible, their injustices unheeded. So it is imperative, as implicit in Article 21, that life or liberty shall not be kept in suspended animation or congealed into animal existence without the freshening flow of fair procedure....."

- 8. Further, Hon'ble Apex Court at Para-42 has made the following observation in respect of Rights of prisoners;
 - "42. Rights jurisprudence is important but becomes an abstraction in the absence of remedial jurisprudence. Law not omnipotence in the sky but a loaded gun which, when triggered by trained men with ballistic skill, strikes the offending bull's eye. We have made it clear that no prisoner can be personally subjected to deprivations not necessitated by the fact of incarceration and the sentence of court. All other freedoms belong to him - to read and write, to exercise and recreation, to meditation and chant, to creative comforts like protection from extreme cold heat, to freedom from

indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, to movement within the prison campus subject to requirements of discipline and security, to the minimal joys of self-expression, to acquire skills and techniques and all other fundamental rights tailored to the limitations of imprisonment...."

- 9. In the light of what is stated above, the deficiencies noted during the visit to the District Prison, Chikkaballapura are prima-facie sufficient to exercise my suo-motu power under Sec. 7(2) and 9(3)(a) of the Karnataka Lokayukta Act, 1984. Accordingly, I hereby exercise my suo-motu powers and initiate suo-motu proceeding. The office is directed to register this proceeding as suo-motu proceeding.
- 10. In this connection, it is desirable to implead the following officers/officials as respondents for the purpose of investigation and seek their comments/reply.

Sl. No.	Name and Designation of the officers
1	Sri. S.H. Jayaramaiah Superintendent, District Prison, Chikkaballapura
2	Smt. Shoba, Jailor, District Prison, Chikkaballapura
3	Sri. C. Rajanna, Head Warder, District Prison, Chikkaballapura
4	Sri. M. Shashikumar, Assistant Jailor,



	District Prison, Chikkaballapura
5	Sri. C. Pramod, Head Warder
6	District Prison, Chikkaballapura Sri. Vinodkumar C.S., Warder, District
	Prison, Chikkaballapura
7	Kumari Mohanambika M Warder
-	District Prison, Chikkaballapura
8	Sri. Sekhargowda S. Gowdrii, Warder
	District Prison, Chikkaballapura
9	Kumari Divya M.D. Warder, District
	Prison, Chikkaballapura
10	Kumari Vanitha N.K. Warder,
	District Prison, Chikkaballapura,

- The Respondent nos. 1 to 10 shall submit their comments regarding the deficiencies/irregularities highlighted in this order. The Jail Superintendent shall examine the deficiencies highlighted during the course of this order and take remedial steps/measures to relieve the hardship being faced by the inmates of the District Prison, Chikkaballapura and submit action taken report on the date stipulated.
- Communicate the copy of this order along with 12. the annexures to the respondents referred to above to enable them to submit their comments/report.

List this matter on 5-12.2022.

(Justice K.N. Phaneendra),

Upalokayukta, Karnataka State.

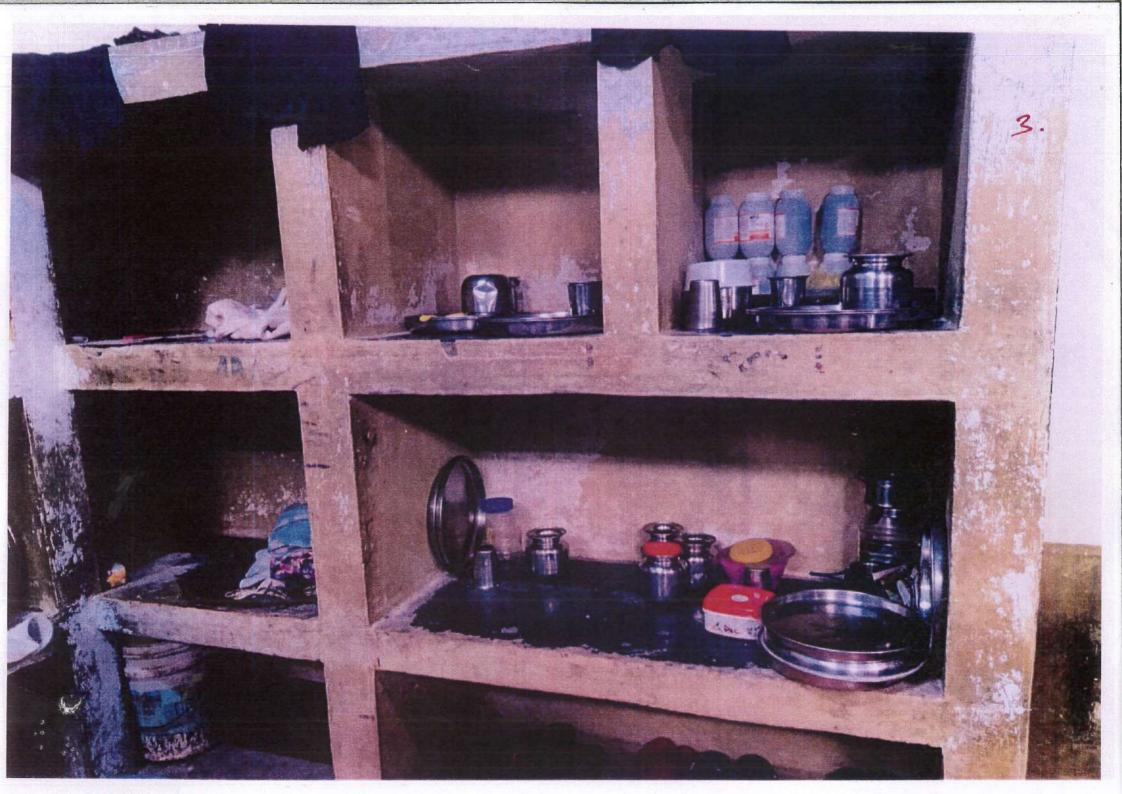
ARLO-4 (Complaints Section)

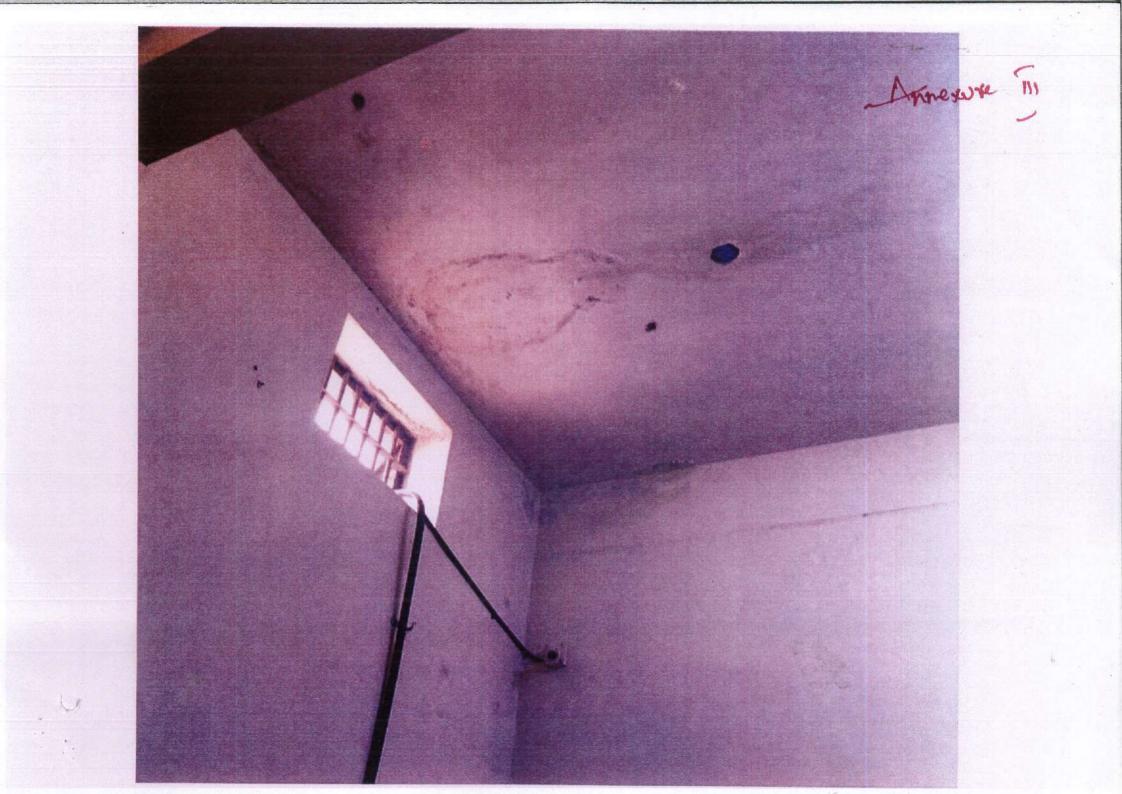
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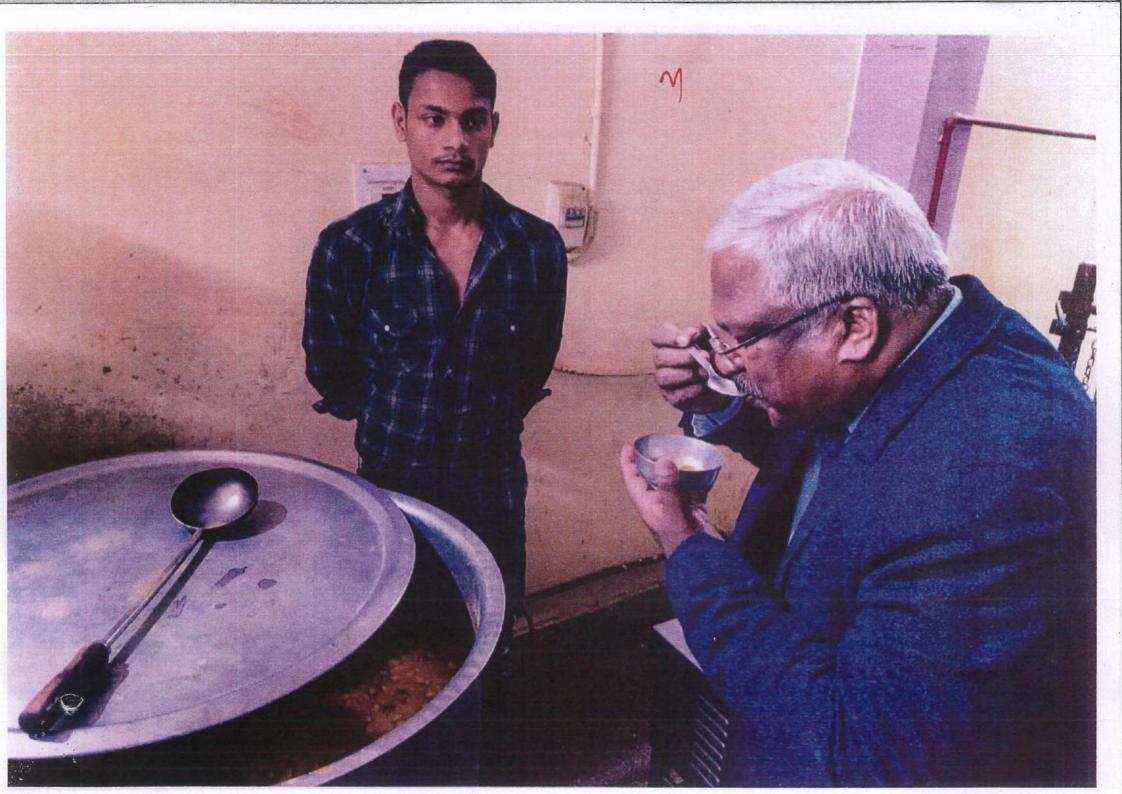
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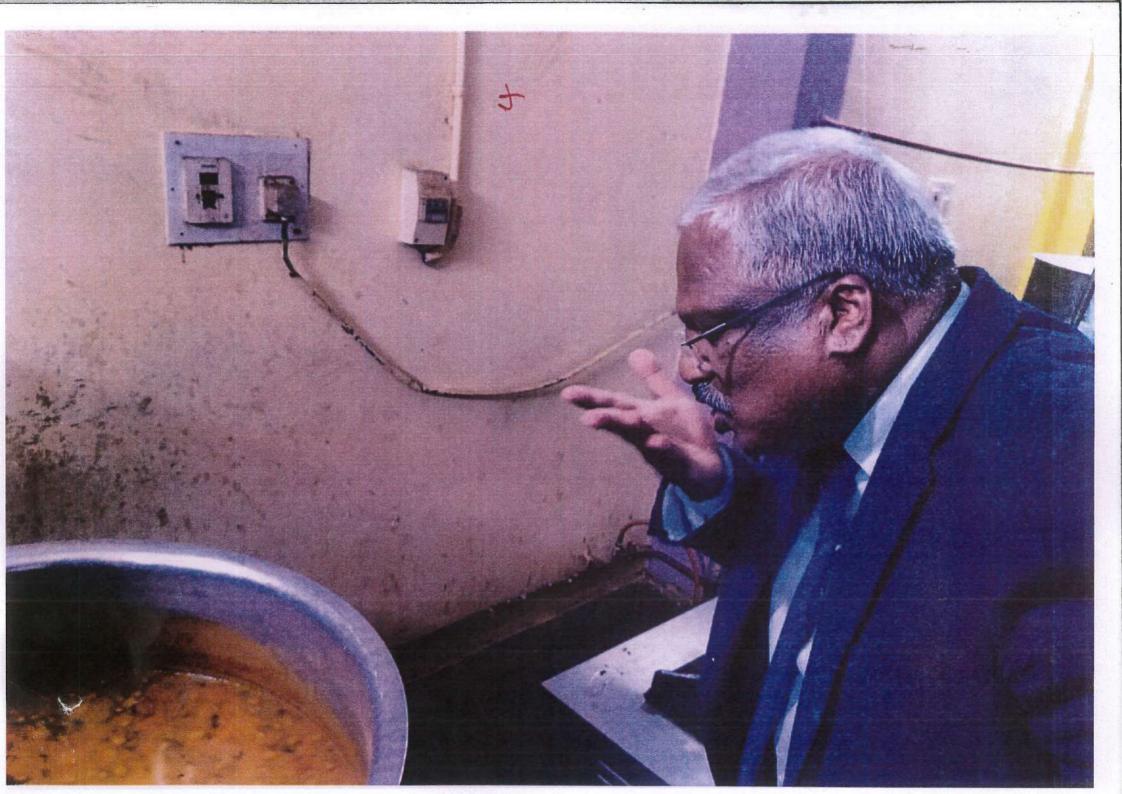
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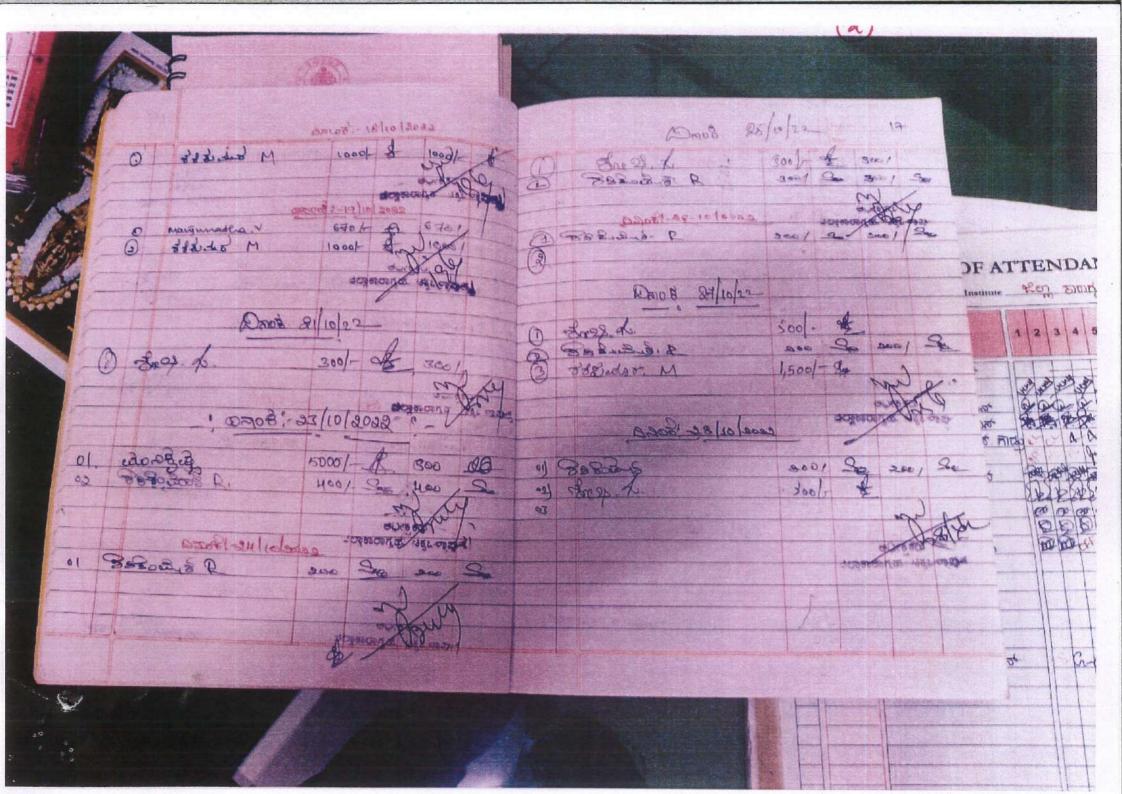
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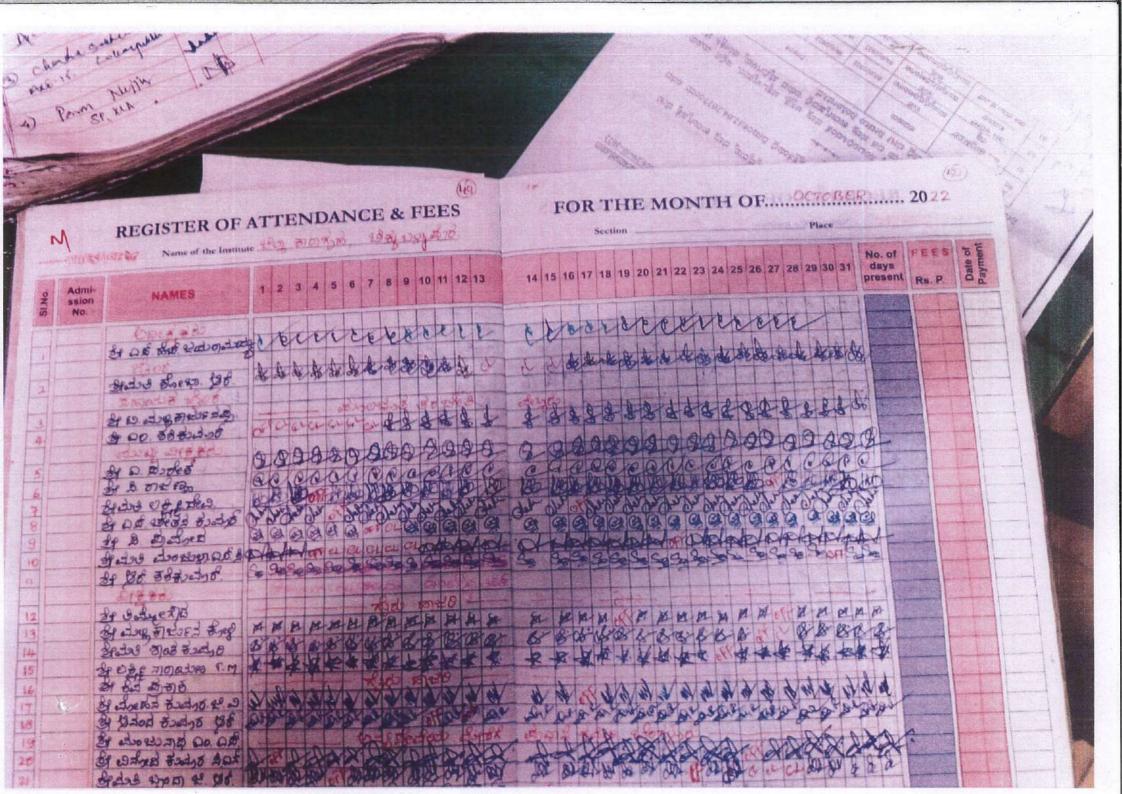






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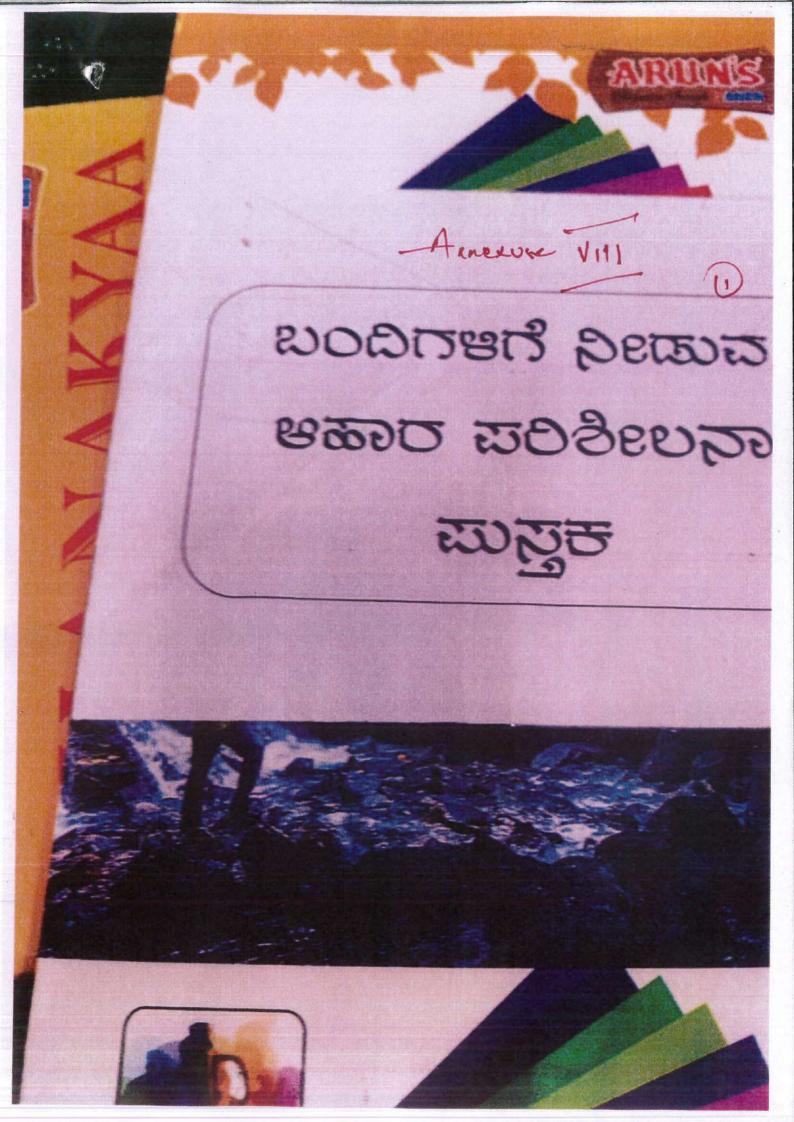
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