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4/16/2017-PRP/S

NOTE

With the approval of the Commission, I visited Nagpur, Chandrapur, Gadchiroli, Gondia and Bhandara districts in the state of Maharashtra from 15 to 21 May, 2017 to assess the status of human rights in those districts. In that connection, I also visited Central Jail, Nagpur and District Jails Chandrapur, Gadchiroli (District Open Jail), and Bhandara.

Enclosed herewith are reports pertaining to visits to these five jails. I shall be grateful if the same are placed before the Commission early.

Secretary General, NHRC

S. Jalaja,

Special Rapporteur, NHRC

17-07-2017

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**REPORT ON VISITS TO CENTRAL/ DISTRICT JAILS IN NAGPUR,
CHANDRAPUR, GADCHIROLI AND BHANDARA DISTRICTS OF
MAHARASHTRA FROM 15-21 MAY, 2017**

----- S. Jalaja, Spl. Rapporteur, NHRC

Prison administration in Maharashtra

Maharashtra is considered to be one of the advanced states in terms of correctional administration in India. The management and administration of prisons in the state are guided chiefly by the Prisons Act of 1894, Prisoners Act of 1900, Bombay Jail Manual, 1955, Transfer of Prisoners Act, 1950, Borstal Schools Act, 1929 Probation of Offenders Act of 1959, Habitual Offenders Act, 1959, The Prisoners Attendance in Courts Act 1955 and The Civil Jails Act 1874.

The state has 09 central jails (each with population 800 or more), 29 district jails class 1 (13 prisons - each with population : 300-800), class 11 (14 prisons- each with population: 150-300) and Class111(03 prisons with population below 150) , 100 sub-jails, 01 women's jail, 01 Borstal school, 13 open jails, 01 special jail and 01 other category jail.

For the purpose of prison administration, the state is divided into two divisions, viz. ,eastern and western. The eastern division comprises the revenue divisions of Aurangabad and Nagpur, while the western division is composed of the revenue divisions of Bombay and Pune. The Inspector-General of Prisons, Maharashtra State, Pune, exercises general control and superintendence over all prisons. The Superintendents of the Nagpur Central Prison and the Yervada Central Prison have been appointed as ex-officio Deputy Inspectors-General of Prisons for the eastern and western divisions, respectively.

Reports show that the State Government has taken several measures for improvement of prisons in the state, including creation of new jails, renovation/up gradation of prison infrastructure, recruitment of more staff, provision of better educational / health facilities, vocational training, involvement of NGOs, introduction of high-tech security system in some jails and conducting training programs for prison officials and staff. Setting up facilities like separate open air

jails for male and women prisoners and community correction centers for petty offenders are stated to be in pipeline.

I visited five districts in Maharashtra from 15-21 May, 2017 with a view to assess the status of human rights therein. As a part of my program I visited Central Jail, Nagpur, and district jails Chandrapore, Gadchiroli (open jail) and Bhandara. There is no prison in Gondia district at present.

Given below are general observations /recommendations concerning all four jails (Part-1 of this report). Also included are specific observations/recommendations in respect of each of the jails (Parts 11,111, 1V & V), in order to facilitate follow up action by jail authorities concerned.

PART-1

General Observations/ Recommendations

1. Prison Infrastructure

Out of four jails visited in Nagpur Division, three are some of the oldest prisons in India, set up during the British period. Central Jail Nagpur was set up more than 150 years ago (1864); District Jail Chandrapore in 1876 and District Jail, Bhandara in 1896. Housed in historic buildings it appears that they have been renovated from time to time.

Originally planned as central jail and then district jail, the 'open jail' at Gadchiroli is a misnomer and is currently being utilized for housing convicted prisoners from distant jails, whose cases are pending for remission. The State Government, needs to have a comprehensive modernization plan for each jail. It is learned that 10 acres of land has been acquired in Gondia district for construction of a new jail. A new jail ought to be planned for Gondia district without any further delay.

2. Jail capacity

Against a sanctioned capacity of 1840 (1698 male ; 142 female), occupancy reported was 2182 (2107male and 75 female) in Central Jail, Nagpur; in District Jail, Chandrapore, against sanctioned capacity of 333 (322 male, 11 female) occupancy reported was 592 (380 male; 15female) ; in District Jail Gadchiroli sanctioned capacity reported was 75 (all male) against which occupancy of 69 was reported and in District Jail, Bhandara against a sanctioned capacity of 343 (

338 male; 05 female) occupancy reported was 371 (358 male; 13 female). No children are presently staying with their mothers in Central Jail, Nagpur; 02 children stay in Chandrapore; no children in Gadchiroli and one child in Bhandara district jail.

3. Shortage of Manpower

The four jails visited reported only some shortage of staff. In Central Jail Nagpur 44 posts are vacant against 312 sanctioned, *including that of Superintendent of the jail*; out of 79 posts 08 are vacant in district Jail, Chandrapore; out of 55 posts 16 are vacant in District Jail Gadchiroli (including that of Superintendent) and out of 60 posts 09 are vacant in district Jail, Bhandara. The vacancies need to be filled up on priority.

4. Living conditions

In all four jails barracks were in good condition. Basic facilities like drinking water, regular power supply, bathing and toilet facilities are available to inmates in all four jails. Articles of daily use have also been provided. Food supply appeared to be generally satisfactory.

5. Under trial prisoners

Except in Central Jail Nagpur, under trials constitute majority of the prison population. Out of 2182 inmates, about 56% are under trials in Central Jail, Nagpur. In District Jail, Chandrapore out of inmates 615 (60-65%) are under trials. In District Jail, Gadchiroli (all male) all inmates are convicts. In Bhandara out of 371 prisoners, 329 (97%) are under trials.

As per data provided by authorities of Central Jail, Nagpur on length of stay of under trial prisoners in jail, 151 UTs (149 male; 03 female) have spent more than 02 years in jail and 16 prisoners in Bhandara have completed more than 02 years. No data on length of stay of under trials is available in Chandrapore. High percentage of UT population in these jails is a matter of serious concern. A drive needs to be conducted to reduce it to a minimum level.

6. Access to justice

Easy access to justice is one of the most important rights of prisoners. Prisoners in various jails often complain about lack of legal support, difficulty in getting police escort, non-production before courts, cases not being taken up, undue delay in receiving judgments etc. Had the legal support system been effective, so many UTs would not have remained in jail, that too for years together. As of February, 2017

only 43.13% male and 46.58% of females could be produced before courts in Central Jail Nagpur.

- Non-sanctioning of **legal aid** is a violation of the orders of the Supreme Court which held that legal aid to a poor is a constitutional mandate not only by virtue of Article 39A, but also Articles 14, 19, 21, which cannot be denied by the government.
- Although legal aid is sanctioned to prisoners, it is generally seen taken up in a routine fashion. Women, especially with children, prisoners belonging to SC/ST communities and other vulnerable sections, which include BPL /elderly prisoners ought to get priority.
- The impact of providing legal aid is not seen assessed.
- Most often prisoners did not know the stage at which their cases were pending. A system for tracking/**monitoring** of cases should be put in place quickly.
- Video-conferencing facility is being utilized fully in Central Jail, Nagpur and District Jail Chandrapore. Average attendance is 30-40 prisoners in Bhandara district. The facility should be connected with courts in neighboring districts too. Attention also needs to be paid on the quality of time spent by each prisoners before the courts.
- Cases relating to elderly prisoners, female prisoners with children need to be scrutinized quickly, to find out the extent of their involvement and for taking remedial measures.
- Legal Services Authority/Legal Aid Clinics ought to be made more active.
- Progress in individual cases also need to be tracked.
- Data on appeals filed by prisoners are not maintained properly.

Jail authorities ought to make a sustained effort to reduce U/T population, by increased production of UTs through video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

It was reported that no prisoner languishes in jail for want of sureties in Nagpur and Bhandara prisons. *Only two prisoners in Chandrapore and one in Gadchiroli continue to remain in jail for want of sureties.*

7. Parole & Furlough

In Maharashtra Parole is sanctioned to prisoners as per provisions of the Bombay Prison (Furlough and Parole) Rules, 1959 and amended as Maharashtra Prison (BF & P) Rules, 2015. It is seen that the Rules were last amended on **26-8-2016**.

In the state parole is sanctioned by Divisional Commissioners under rule 18(2) of the above said rules and the appeal against rejection rests with the State Government. Furlough is sanctioned by the DGP concerned, and, emergency parole of 15 days by the Jail Superintendent.

Applications for grant of parole are to be filed by the prisoners under rule 19. Grounds permissible for sanction include serious illness or death of close relatives, damage of houses in natural calamities and marriages of close relatives.

As **per amended rules** no extension can be granted in emergency paroles; two persons are needed as sureties, as against one in the original provision; Rs. 15,000/- is to be taken as deposit from each prisoner, as against Rs 2000/- as per the earlier provision.

The first parole is admissible only after one year for those sentenced for 05 years; after two years for those sentenced for 5-14 years and for those above 14 years only after three years (notwithstanding the fact that most prisoners spend long number of years as under trials before they are awarded punishments)

The new rules for sanction of parole notified by Maharashtra Government has made availing parole by the prisoners indeed very difficult. Payment of 15,000/- as deposit by individual prisoners amounts to refusal of parole, as many of the prisoners belong to the lower economic strata of society. Majority of population in a district like Gadchiroli is constituted by tribes, most of whom belong to BPL category. Their families naturally will find it difficult to deposit such a large sum. Moreover, relatives of prisoners are usually reluctant to spent money for those who are lodged in prisons. The amended rules, therefore, appear to be somewhat harsh. The other provisions in the rule relating to delayed sanction of paroles to different categories of prisoners and other restrictions imposed also adversely affect the rights of prisoners.

Instead of being strict in the sanctioning of paroles it would be desirable to put in place a good tracking system to ensure that the prisoners return to prisons from

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parole. Local police stations, gram sabhas and panchayats could be of assistance. The procedure for sanctioning of paroles also need to be simplified and streamlined (online filing, complete filling up of forms; early medical and police clearance etc) to avoid delay and harassment to prisoners.

8. Overstay

In an appeal filed against the judgment and order dated August 23, 2012 passed by the High Court of Punjab and Haryana, Chandigarh in Criminal Writ Petition No. 1620 of 2011, a bench consisting of Justices K.S. Radhakrishnan and Madan B. Lokur of the Apex Court observed that ---*A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate government---*” Many of the prisoners have completed fourteen years in jail and were eagerly looking forward to their release. However, they have to remain in jail, keeping in view the above mentioned orders of the Supreme Court. None of them were able to get remission either.

I have submitted a separate note for consideration of the Commission on the subject pointing out that the above direction of the Apex Court, if uniformly applied to all prisoners, including women, the aged and the disabled would cause considerable hardship to the prisoners. The State Government could sanction remissions in deserving cases liberally to overcome the problem to some extent. Necessary instructions need to be issued to the state Government in this regard.

9. Custodial deaths/jail break/custodial violence

Custodial deaths have been reported in all four jails in the last three years. Central Jail, Nagpur reported 08 deaths in 2015, 09 in 2016, and 02 in 2017; Chandrapore (02 deaths); Gadchiroli one death and Bhandara (one death). It is learned that most deaths were due to natural causes. Suspicious cases, especially in Central Jail, Nagpur ought to be investigated without any further delay. Inordinate delay in the investigation of cases is noticed across all jails. Accountability also ought to be fixed for any foul play to ensure that such incidents do not take place in future.

Whereas no incident concerning jail break or violence was reported in Chandrapore, Gadchiroli or Bhandara jails, it is a matter of concern that a jail - break incident was reported in 2015 in Central Jail, Nagpur, wherein high security

prisoners are lodged. It is an indication that all is not well with the prison administration. Such incidents happen only with the connivance of jail officials. Although in this case action has reportedly been taken against the Superintendent and others, it is not clear what steps have been taken to prevent the recurrence of such incidents.

10. Incarceration of women

It is generally observed that women are often incarcerated in jail without adequate thought or justification. In most cases they are only co-accused. Some are pregnant at the time of arrest; some have small children with them; often they are separated from their small children and sometimes they are the only bread winners of their families. *Detention of women therefore, should be an exception rather than rule.* If they are detained, they ought to be provided assistance to secure bail. Many of them are illiterate. They ought to be supported with legal aid and legal counseling, on priority. Their cases ought to be monitored individually. They also need to be helped to file appeals, if convicted.

11. Status of women prisoners

It is seen that efforts have been made by the State Government to provide better infrastructure and facilities for women prisoners. Despite better living conditions in jail traditional discrimination against women prisoners persist.

Women are generally handicapped by limited cooking/health care /sports/ library facilities. Their access to law is difficult. Adequate attention ought to be paid to the health of women and their children. No Gynecologist or lady doctor is posted in any of these jails. Women's OPD ought to be set up in the women's section. At least an ANM from the nearest health facility ought to be deputed to the prisons. Isolation wards need to be set up for women prisoners too.

While the focus is on offering facilities for higher education, literacy and basic education of women (mostly from poorer sections) are neglected. Their participation in religious/cultural/ sports activities need to be encouraged.

Rights of women prisoners and their children are to be taken care of as per guidelines issued by the Apex Court in RD Upadyay Vs the State of Andhra Pradesh.

12. Mentally ill prisoners

Central Jail Nagpur reported identification of 21 inmates as mentally ill. A Psychiatrist from the local Government Hospital is attending to them. No prisoner (except 01 each) is identified as mentally ill in District Jails, Chandrapore and Bhandra. It may be pointed out that as per directions issued by the Commission mentally ill prisoners ought to be shifted to a mental health facility for proper treatment and care. Although services of psychiatrists are available, for long term treatment those affected need to be shifted to mental hospitals. The purpose is to provide them a suitable environment which helps their healing. Prisoners are known to suffer from different mental disorders. Periodic screening of both male and female prisoners therefore, is necessary.

13. Extremist prisoners

Entire Gadchiroli and parts of Chandrapore are severely affected by extremist activities. From data made available by jail authorities, 09 alleged naxalites (07 male; 02 female) are lodged in Central Jail, Nagpur; 47 (45 male 02 female) prisoners in Chandrapore district jail and 05 (all male) in Bhadara district jail. No extremist prisoners are lodged in Gadchiroli, perhaps for fear of retaliation against their detention. The prisoners are mostly Adivasis, *some of them having completed more than 03 years as under trials*. It was learned that these prisoners are not allowed to have any communication with their families nor are allowed to contact their families over phone. Most of them are from Gadchiroli and adjoining areas. The jails where they are lodged are far away locations as far as their families are concerned. Either they are too poor nor there is any proper means of travel. Women naxalite prisoners stated that they were deliberately implicated in cases. Their cases ought to be reviewed.

The 'open' jail in Gadchiroli, originally intended to accommodate prisoners from the locality, now houses convicts from jails in other parts of Maharashtra. Such policies can backfire and lead to hardening of their stands. It is, therefore, necessary to make an assessment of individual cases, and find out the extent of their direct involvement in crimes and take remedial action. Communication (both telephonic and meetings) with families could be allowed in the presence of jail officials to the extent possible. Educational and health facilities ought to be provided to them while in jail. Counseling and vocational trainings ought to be taken up. The Open jail in Gadchiroli ought to be utilized for keeping local prisoners, as originally intended. Additional security ought to be provided, if

needed. The present inmates of the open jail ought to be sent back to their original jails. Only then semblance of some justice is done.

14. Right to education

It is seen that the jail authorities have not given adequate attention to both basic and higher education among the prisoners. Only 40% of the prisoners are reportedly literate in Chandrapore while 80% are literate in Bhandara jail and 90% in Gadchiroli . All three district jails have only limited facilities for imparting basic education , both male and female prisoners. Regular teachers are not available for teaching prisoners especially female prisoners. Attention also needs to be given to literacy and basic education too, as many of the prisoners, especially women and members of Scheduled Castes are illiterate. *Besides, computer trainings is are not seen being organized for young prisoners, which is a serious lacuna.* Higher education ought to be encouraged among the literate. Authorities ought to be proactive and put education on a mission mode.

15. Right to Health

Only Central Jail, Nagpur has a proper jail hospital for health care of its inmates. District jail, Gadchiroli has a hospital with only rudimentary facilities. Other jails have only OPDs and they depend on nearby General Hospitals for indoor treatment of patients. Facilities like pathology lab, X-ray are not currently available in the jail campuses.

The present set up for health care without having a full-fledged hospital is least satisfactory. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. Even in Central Jail Nagpur only 45% of the patients are sent to hospitals, for want of escorts.

It is difficult to get timely and satisfactory treatment in over- crowded government hospitals. It was stated that medical camps are being organized in these jails regularly. But medical camps are no substitute for medical care on day to day basis.

In Central Jail Nagpur one Chief Medical Officers and two Medical Officers are posted. No gynecologist is available. Para medical staff is available in this jail. In other jails a Medical Officer is deputed from the Civil Hospital .

A proper well-aired, hygienic and **functional hospital** should be set up in all district jail campuses having separate isolation wards. It should have adequate diagnostic facilities .

- **Posts** of medical officers need to be filled up, so also those of supporting staff, wherever vacancy exists.
- A separate OPD for women ought to be set up. Women's wing also ought to have an isolation room.
- **Screening for mental conditions** may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental health institutions.
- A system needs to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases. Each prisoner should be tracked on the basis of his/her health profile.
- **AYUSH medical facilities** should be provided in all four jails, especially to older patients.

16. Vocational training

Vocational training facilities are available in Central Jail, Nagpur. Only limited facilities are available in District Jails Chandrapore and Bhandara ; No vocational facilities are available in the open jail, Gadchiroli. There is need to upscale and diversify the activities in all jails with the help of reputed NGOs.

It was stated that skilled workers get paid at the rate of Rs 50/- per day; semi-skilled- Rs. 45/- and unskilled Rs.40/- which are very low compared to the rates notified by states like Bihar, and HP. In Bihar and Jharkhand prisoners are allowed to keep 1/3 of their remuneration, 1/3 goes to the victim's family and the balance 1/3 for prisoner welfare activities..1/10 share is used for their rehabilitation, which is a good initiative. This practice could be followed in the jails of Maharashtra too.

17. Prisoner Welfare Facilities

Welfare measures, including liberal sanction of parole, telephone facility, facilities for meeting with family members and canteen facilities help in improving the quality of prisoners' lives.

Communication with family members is very important for prisoners. While telephone facilities are available for *only convicted prisoners* in Central Jail

Nagpur and district jails of Chandrapore and Bhandara, *no such facility is available to other prisoners, including women and under trials. This often leads to illegal use of mobile phones and leads to corrupt practices. A modern telephone management system ought to be introduced without any further delay.*

Facilities for visitors are available in both central and district jails. But they are very inadequate to facilitate prisoners to spend one to one quality time with their family members. It is often seen that visitors are forced to pay money to the guards for meeting the prisoners. Entry by visitors ought to be regulated by token systems, as in the case in banks.

No Board of visitors has been constituted in Central Jail, Nagpur or District jails Chandrapore and Gadchiroli. Although Board of Visitors have been constituted in district jail Bhandara it was learned that the Members do not visit the jails regularly.

Canteen facilities are available in Central jail, Nagpur and District jails Gadchiroli & Bhandara. Facilities for yoga practice are available in all jails, but the quality and coverage need to be looked into. Gym facilities are not available in any of the jails. Sports facilities are available in central and district jails. It is however, seen that no sports facilities are available for female prisoners. It was stated that cultural programs regularly organized in three of the jails.

18. Complaints Management

There appears to be a need for having an efficient complaints management system put in place in all four jails. Complaints regarding court cases ought to be brought to the notice of District & Sessions Judge and CJM while on their visits to the jail. *Although District Magistrates have been put in charge of jails, it is generally seen that they seldom visit the jail nor have regular communication with prisoners.* Prisoner's Durbars need to be organized from time to time. The District Level Committee headed by the District Judge, with DM and SP as members ought to meet every month. Prisoner's complaints, if any, ought to be discussed in that forum. Besides other issues like sanction of legal aid ought to be reviewed.

19. Rehabilitation

Preparing prisoners for their eventual release from jail, equipping them with necessary life skills to enable their rehabilitation, giving emotional support for facing the outside world are onerous tasks for the jail administration. It is, however, seen that no such efforts are being made in any of the jails visited. *Each*

jail ought to draw up a rehabilitation plan for prisoners and organize vocational trainings. In Jharkhand some of the reputed private concerns, after campus visits, are able to recruit them for employment. Other models too could be pursued.

20. Prison Administration

- A comprehensive **modernization plan** for jails needs to be put in place wherever needed. Filling up of vacant posts should get high priority.
- **Delegation and decentralization in jail administration** are very much needed. Items which can be delegated to Superintendents of jail should be identified and delegated quickly.
- Expenditure under all items should be **audited** to find out if any misappropriation has taken place.
- An **untied fund** of Rs.10/- lakh may be provided to Central jails and Rs.05 lakh to district jails and Rs.03 lakh to sub jails for taking up emergency items of works for welfare of prisoners. It should be sanctioned by a committee comprising of DM, SP and Jail Superintendent.
- All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.

21. Use of Solar energy

Use of solar energy for heating and lighting is a boon for prisons as it can enhance the quality of their lives. Unfortunately no efforts have been made for harnessing solar energy for lighting/heating purposes. Many jails in the country have switched over to the use of solar energy. It is high time all jails in the state adopt the technology.

22. Water harvesting

Many of the prisons are located in water scarcity areas. Water harvesting and recycling ought to be made mandatory in all jails.

23. Services of NGOs

It is seen that services of NGOs have been put to limited use in all four jails. Since NGOs have the flexibility and prisoner- friendly approach, their services could be effectively utilized in counseling/teaching/training/vocational training and in a variety of other activities.

24. Budget

Budget allotment is considered to be adequate by the jail authorities of all four prisons. However, Prison Statistics of India reported that as of 31-12-2014 Maharashtra spent only Rs.11917 /- on food, clothing and medical expenditure per prisoner/annum. This expenditure is the lowest compared to less prosperous states like Jharkhand which spend Rs 26,450/- West Bengal Rs.31,255/- and Kerala Rs.25,010 /-. Smaller states like Manipur (Rs 73,815/-) and Arunachal (Rs. 71,890/-) spend much higher amounts.

25. Prison reforms

Prison reforms need to be undertaken to ensure that all prisoners are not treated as criminals. Corruption ought to be eliminated by putting in place proper systems and use of modern technology.

General

Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress in 1955, and approved by the Economic and Social Council in May 1977 reaffirm non-discrimination and a human rights approach to the treatment of prisoners

As already mentioned, prison administration and management in Maharashtra is governed by archaic Acts and rules. A new **Jail Manual needs to be put in place** by incorporating human rights principles and humane treatment of prisoners. It could be based on the Model Jail Manual circulated by Govt. of India.

It is learned that the Manual is under preparation/under issue. The proposed Manual may be brought out within a given time frame. Moreover, salient provisions of the new Manual ought to be shared with the prisoners. Jail staff should be properly trained in implementing the provisions of the Manual.

(PTO)

PART-11

**.REPORT ON VISIT TO CENTRAL JAIL NAGPUR, MAHARASHTRA ON
15-05-2017**

-- S. Jalaja, Special Rapporteur, NHRC

Crime profile of the district

Criminal justice system prevailing in any place has an impact on custodial justice. As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **15,245** crimes Nagpur district in Maharashtra stood 22nd in all crime records in India .It reported a crime rate of 327.6 compared to National crime rate **218.67** in 2013.

In Nagpur, the highest crime is **Dacoity** where as lowest crime is **Theft** in 2013.It stood **17th** in no of murders, **14th** in no of rapes, **7th** in no of robberies, **8th** in no of thefts, **23rd** in no of dacoities, **82nd** in no of kidnapings and **50th** in no of riots.

Jail Profile and history

As mentioned, for the purpose of prison administration the state of Maharashtra has been divided into eastern and western regions in 1961. Central prison. Nagpur forms a part of the western region. Established in 1864 by the British Central Prison, Nagpur is one of the 04 central jails and is one of the largest prisons in Maharashtra.. The prison had housed many freedom fighters during the British period. On the negative side, Yakub Memon, one of the 1993 Mumbai serial blasts convicts, who was awarded death penalty, was hanged to death on 30 Jul 2015 in this jail.

Land and infrastructure

The jail is spread over an area of 123.72 acres with built up area of 30 acres. The sprawling campus also has 24.71 acres of agricultural land; plantation and lakes form 123.72 acres. It also has an open jail with capacity for accommodating 50 prisoners.

The jail infrastructure comprises of 27 barracks and 72 Cells for housing the prisoners. Staff quarters numbering 252 are located in the same premises.

Manpower

It is seen that against a sanctioned staff strength of **312**, only **268** posts are filled up; **44** posts are stated to be vacant. The post of Superintendent of the prison is reportedly vacant. One of the Deputy Superintendents is currently posted as the Superintendent in charge of the jail. Among the important posts vacant are that of **Superintendent (01)**, Addl. Superintendent /Dy. Superintendent (01), Jailor Gr.1 (01), Woman Jailor (02), Jailor Gr.11 (01), Administrative Officer (01), Head Clerk (01), and clerk (05). Amongst the medical staff, vacancies reported include Medical Officers (02). Nursing Orderly (03), pharmacist (02) and Lab Technician(1) are posted. Only one post of Medical Officer Group -2 is vacant. It

is seen that no lady doctor or Gynecologist is posted. As far as mental health care is concerned, single post of Psychiatrist is vacant, but both posts of Clinical Psychologists are seen filled up.

Out of sanctioned posts of 188 security staff (Sepoys) only 162 are filled up; 26 posts are vacant. all posts of 29 *Havaldars* are filled up. One post of *Subedar* is also filled up (7/8). All posts, especially the critical posts, need to be filled up quickly.

Jail capacity and occupancy

Against a sanctioned capacity of **1840** (**1698** male and **142** female), **2182** (**2107** male and **75** female) prisoners are lodged in the jail. No children are reported to be staying with their mothers. No pregnant women prisoners were reported to be present. As the prison population exceeds the capacity sanctioned, there is some over- crowding in this jail.

Category-wise details of prisoners

Classification of Prisoners. It is learned that in Maharashtra Prisoners are classified as class I or class II by the Court after taking into consideration their status in society and also the nature of the offence committed. They are further classified as casuals, habitual offenders, under-trials and high security prisoners or *détentes*. Prisoners are also grouped as short termers, or medium termers.

It is seen that under trial and convicted prisoners have been segregated in this jail. Category-wise prisoners reported were as follows :-

- Out of a total population of **2182** prisoners, **945** are convicted prisoners (907 male; 38 female). They include 28 convicted overseas prisoners (male 28; female 02), 10 others are foreign male prisoners and 04 prisoners of NDPS category (03 male; 01 female).
- Under trial prisoners comprise of 1128 prisoners (male 1091 and female 37) of which 44 male prisoners belong to NDPS category.
- *18 prisoners (17 male and 01 female) are facing death sentence.*
- 96 prisoners (88 male and 06 female) are elderly prisoners
- 09 (07 male and 02) prisoners are alleged extremist prisoners

Under-trial Prisoners

Unlike in other jails visited under trial prisoners constitute roughly 56% (1219) of the prison's population. It is possible that convicted prisoners from jails in the neighborhood have been transferred to this jail for purpose of safe custody, hence their comparatively low population. According to data provided by the jail administration regarding length of stay of under trial prisoners 273 prisoners (257 male; 16 female) are staying for 03 months, 249 UT (male 241; female 08) between 03 and 06 months; 213 (207 male; 06 female) UT for more than 06 months; 157 UT (148 male 09 female) for one year and above and 151 UT (149 male; 03 female) are staying for more than 02 years.. It was stated that *in the absence of police escort prison authorities find it difficult to produce all prisoners* before the courts. As per report in February 2017 only 43.13% of the male and 46.58% female prisoners could be produced before courts; in March 2017 52.19% of male and 46.27 % of female prisoners were produced before courts and in April, 2017, 43.58% of male and 31.74% of the females could be produced before courts due to want of police escort. Jail authorities ought to have reported the matter to the district/police administration.

Authorities ought to make an effort to reduce U/T population, by increased production of UTs through video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

High Security Prisoners

21 prisoners are lodged in high security cells of which 07 prisoners are under trials. 08 have been sentenced to Life Imprisonment (LI) and 02 have been awarded death penalty. NC Choudhury has been awarded death penalty for committing crimes under 302 IPC and other provisions by the 2nd class Additional Court, Pune. RK Kamble, has also been awarded death penalty by the district and sessions Judge Nagpur nu/s 302/376/364 and other sections of IPC.

GN Saibaba, MK Tirki, NN Digwa, RM Thakur, AG Gawli, PP Naroti, IP Balotiae are the LI prisoners. MK Tirki has been booked u/s 13,18 and other provisions of the Unlawful Activities Act, 1967 and 120 B IPC for extremist activities.

These prisoners are lodged in one room cells, one side open with grills. In the extreme heat of Nagpur at around 46 C it was indeed difficult to remain in these

cells. Hardened criminals and others who commit heinous crimes are deprived of the facility to speak to their family members. I spoke to Prof. Saibaba and other prisoners lodged in the high security cells of the jail. The prisoners stated that they have no complaints.

I found that the professor was confined to a wheel chair and is attended to by two of his co-accused. He stated that he was diagnosed with 90% disability. Besides *he suffers from 19 disease conditions*, including a heart problem, hyper tension kidney stones and pancreatitis. He stated that he is being given medicines prescribed sometime ago by the hospital where he was earlier admitted. He was advised surgery within a month. Although jail authorities are giving him diet food he finds it difficult to take it. He is unable to move his right shoulder due to a nerve condition. He finds it difficult to depend on his co-accused for even simple movements. Lodged in a high security cell, burdened with high disability, suffering from debilitating diseases, deprived of family support and suffering from loss of job, he appeared to be under severe stress.

Jail authorities stated that they have tried their level best to provide him all necessary facilities, including medical treatment. However, looking at his case closely, (irrespective of the cases against him) it appears that *his physical and medical condition demands treatment at a well equipped hospital*. Right to life, hence right to health, is guaranteed by the constitution. In these circumstances an independent medical team from outside the State, preferably from the AIIMS, New Delhi, needs to be deputed to the jail to assess his medical condition. He did not state clearly whether any appeal has been filed against his conviction by the sessions court, Gadchiroli. In these circumstances I had suggested that the Commission may like intervene in the matter on humanitarian grounds.

Condition of prisoners.

I visited some of the wards and had interactions with the inmates. There were no overcrowding seen in the wards. All wards were seen provided with pipe water, exhaust fans. I visited one of the new wards. Against a sanctioned capacity of 50 only 35 prisoners are accommodated here. The ward was generally clean and with large windows it had enough ventilation. Lights and fans were in working condition. The condition of toilets was satisfactory. Drinking water was available

. TV sets have been provided in every ward (though the models were very old). It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc. The prisoners stated that they had no complaints.

I spoke to some of the inmates. Sunil Ganesh Neware 19 is booked in a case u/s 379 and has been in jail for 15 days. Nitin Edpada 24 has a case against him u/s 307 IPC and has been in jail for last 10 years. Md. Islam 28 stated that he did not know the reason for his detention. He has been in jail for more than two months. He said that he has not been provided any legal aid. Md. Akil Abdul Hameed is involved in the same case. Ajay Madhukar Kowdey 39 has a case filed by the ACB involving city survey. It was stated that many cases relate to sec 110 IPC. Ram Singh transferred from Chandrapore belongs to Rajasthan. He was convicted for crime under section 376 IPC for 10 years. He stated that he wants to file an appeal. Umesh Ramesh Chikate 30 stated that he was beaten up by the police and showed bruises on his body as evidence. But the prison officials pointed out that the wounds were self-inflicted. Santosh Sahu 27 is from Chhattisgarh. He stated that he was booked for travelling by train without a ticket. Nitish Kumar, a Railway attendant, stated that he has been booked in a theft case. These two cases ought to be placed before the authority concerned for immediate action.

Sheikh Samjad Sher Shaji is an *under trial* facing a case under section 302. Unfortunately he was seen wearing a different type of uniform meant for convicts. Yasim Abdul Aziz UT stated that was found transporting bullocks. He stated that a particular group owing allegiance to a political party prevented him from doing so and got a case filed against him. *His case ought to be looked into immediately.* Ramesh Haninkheda 60 is convicted for 10 years u/s 376 IPC. He has been in jail for the last ii/2 years. Shyam Rao Maruti 60 has a case registered against him u/s 306 IPC. He stated that he has received legal assistance. Sessions Court granted bail .But had to deposit Rs 20,000/- which he was unable to. Balram Chandra Bhan 30 also got bail. He has been in jail for 04 years.

Women Prisoners

Female prisoners (75) form roughly 3.5 % of the total population of prisoners. It is seen that all female prisoners are lodged in the female ward of the prison. No children were reported to be present at the time of the visit. No pregnant women were also reported to be present.

The ward visited had a sanctioned capacity of capacity of 40 against which 23 prisoners were staying.

Building wherein the ward is located, though old, looked clean and well kept. The floor is paved with stones. The bathroom and 02 toilets inside were in good condition. Wards had sufficient ventilation. Lights and fans were also in working condition. An old model TV set is installed for their entertainment.

It is reported that out of 75 women prisoners 38 are convicts. 23 female convicts are sentenced to life imprisonment. 08 of them were sentenced for committing crimes u/s 376 and other provisions of the IPC. As per data provided, 27 of these cases relate to murder and related crimes.

37 of the female prisoners are under trials, out of which 21 are allegedly involved in murder cases 03 are booked in NDPS cases. 05 of the female under trials are in jail since 2015; 11 were admitted in 2016 and 21 in 2017. Bhagyashree Prasanth Vasankar came to the jail on 27-04-2015. Munni Bai Dhaniram Chouhan was admitted on 14-10-2015. Three other female prisoners Lata Vasudev Taktode, Tivankal Ravikant Uke and Hemlata Rakesh Chirkude are also in jail for more than two years as under trials. Two of the female under trials are allegedly involved in extremist activities. Ranjita MaraVeladi was brought to the jail on 21-01-17 from Gadchiroli district. Anita Devrai Kachlam was brought to the jail on 19-01-2017. Both are allegedly involved in murder and other cases. On asking they denied these allegations.

I spoke to some of the prisoners. They stated that they had no complaints, except that the cases against them should be speeded up.

As for health care of women prisoners is concerned, women's section has a separate OPD daily attended by a doctor. It is seen that no regular Gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children. The female OPD is managed by male MO s. Two regular women nurses are, however, posted. It was stated that special medical camps are organized for women, especially in women's health-related subjects. It was stated that facilities for children of women prisoners are also available.

As far as vocational training of women prisoners are concerned, at present training in lace work, candle making and textile work is being organized. Although indoor facilities like carom are stated to be available, no outdoor sports activities are, however, being organized for women prisoners.

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4-2006) has issued detailed guidelines on the care of women and children incarcerated in jails. These guidelines ought to be strictly followed.

Mentally ill prisoners

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc 21 mentally ill prisoners are kept in the hospital. It is surprising that with a population of around 2100 prisoners the jail administration has been able to identify only 21 prisoners as mentally ill. It should be ensured that proper screening for mental illness is conducted at the time of admission or subsequently, on a regular basis.

I met Sandeep 40 who has been convicted u/s 354 who is mentally ill. Raj Kumar Beje 33 convicted for two months is suffering from neurosis and is unable to sleep. Shyam Rao Maruti 60 has a case against him u/s 306. He confirmed that legal assistance has been provided to him.

Custodial Deaths /violence

It is reported by jail authorities that 08 prisoners died in custody in 2015; 09 in 2016 and 02 in 2017 up to June this year. It is seen that all except three died in GMCH or some other hospital. One of the deaths reported was that of Ashok alias Chhotu Shyamrao Burle (45), resident of Chitnavispura, who was booked under Section 4/25 of Arms Act and Section 142 of Mumbai Police Act by Kotwali police. He was in jail on remand since 17.5.2016. Reports show that on the night of July 27, 2016 the prisoner suddenly took ill and was taken to the Jail Hospital at about 3.10 am. However, on the advice of Chief Medical Officer of the jail, Ashok was taken to the Government Medical College and Hospital (GMCH) around 9.52 am as his health deteriorated. The seriously ill prisoner, however, was pronounced dead by the treating doctors at GMCH around 10.25 am.

In another case it was reported that the deceased Anurag Raj kumar Khanna, resident of Ballarshah in Chandrapur district was an under trial in 2016 booked in a

robbery case at Butibori. On Jan 18 2016 his relatives got a call from Butibori police station informing them about his death. Khanna's death has sent outcry among social activists who alleged conspiracy behind his mysterious demise.

It is mentioned that in all cases opinion is reserved regarding cause of death as per their post-mortem reports. It is unacceptable that the cases of death of prisoners which occurred as early as in January 2015 are still pending. Incidentally, I received an oral complaint (after I visited the jail) that custodial deaths of comparatively young people have occurred in this jail and those needs to be investigated. Commission may like to call for a detailed report in this regard.

Escape of prisoners/jail break

It was stated that a jail break incident took place in the jail on 30-3-2015 in which five under trial prisoners escaped. They had cut the jail windows and climbed over the wall. All five were re-arrested. The then Jail Superintendent, jailor and guard were placed under suspension. It is indeed unfortunate that in a high security central jail like this such incidents involving breach of security take place. It is a matter of serious concern that no attention is paid to security matters in the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water is being supplied to the jail . Besides a boring and three wells are available inside the jail. However no RO system is installed. As far as sanitation facilities are concerned every barrack has a cage toilet. Altogether 380 toilets are available for the use of prisoners. Water was available in the toilets. Toilets were generally clean and well maintained. Bathing space is also adequate.

Power Supply

24 hour power supply is available in the jail. A generator of 31 KV capacity is installed as back up.

Food supply

The jail kitchen is spacious and appeared to be in good condition. Ventilation is available. Exhaust fans are fitted on the walls. Tap water supply is available for cooking, washing and cleaning purposes. Pipeline gas supply is available for cooking.

It was mentioned that the inmates are provided three main meals, including breakfast, lunch and dinner. A variety of diet is reportedly provided. On festive occasions extra items like sweets are distributed. Food supplied is on calorie basis. Food served to the prisoners appeared to be satisfactory. Per head cost of food was reported as **Rs.25/-** only, which is indeed very low.

40 prisoners work in two shifts of 20 each in the kitchen. Those engaged in cooking are regularly examined by the Medical officer so as to make sure that they do not suffer from any infections. It was stated that wheat and rice are supplied by the Government; other commodities are bought through tenders. Vegetables for use in the kitchen are produced in 5-6 farms maintained in the jail campus. An Agriculture Supervisor oversees the cultivation in the field.

Education

It was stated that education is pursued in the prison as an important means of reformation. It implies providing not only literacy but also inculcating values among prisoners. Efforts are also made to provide opportunity for higher education and degree accreditation through Indira Gandhi Open University (IGNOU) and Yashwat Rao Chauhan Vidyapeeth (YCM). Prisoners are encouraged in pursuing higher education. 58 prisoners are enrolled in preparatory studies in IGNOU; 24 in the first year, 15 in the second year and 10 in the final year. 19 have registered for post graduation. Similarly 101 students are enrolled in preparatory classes in the YCM, 36 in the first year 29 in the second year and 14 in the third year.

It was reported by the jail administration that apart from formal education prisoners are also trained in social skills and urged to take up good personal habits like personal hygiene, good house - keeping, use of library and reading news papers, good communication, self discipline and having a helpful attitude etc.

Health care

A 50-bedded hospital is available in the jail. The jail depends on the nearby Govt. Hospital for indoor treatment of patients. The hospital is manned by a team comprising of the Chief Medical Officer and two medical Medical Officers, 02 Compounders, a lab technician and three nursing orderlies (02 female;01 male). An isolation ward is also set up. The hospital also has a full-fledged pathology laboratory. References are made to the Government Medical College and Hospital, and Super specialty hospital etc. *But it is seen that only 45% of the patients are provided escorts.* The medical team also organizes various medical camps for skin diseases, eye camps dental camps etc from time to time. A team of dental doctors also visit the hospital on weekly basis to treat patients with dental disorders.

The hospital building is very old. I was told that it was constructed in 1931. I visited Ward no.1. It was kept very clean. Floor is paved with black stones. TV sets have been provided in all wards. Besides coolers have also been installed. Medical diet is served to patients as recommended by the doctors. 04 cells are being used as isolation ward for TB patients. Separate OPD is run for women. No AYUSH facilities are available.

Medicines are reportedly supplied by the Maharashtra Medical Supplies Corporation. In emergency local purchases are also made. At present no shortage of medicines was reported. Two Pharmacists dispense the medicine.

It was stated that prisoners mostly suffer from skin diseases. I spoke to some of the patients. Hira Lal Chamar 65 is from MP. He was diagnosed with TB. He is well now. He also suffer from Hyper tension. Yogendra Bajwa 57 is suffering from diabetes and hypertension. He is diagnosed with neuropathy. One custodial death was reported on 1st may,2017. The patient was suffering from cancer and had prolonged illness.

Those prisoners who show signs of mental disorders and borderline cases are treated in the jail itself. Those with mental problems are accommodated in Ward no.11 of the hospital. The psychiatric ward had 16 patients at the time of visit, with only 30% occupancy. The ward was clean Beds were seen spread on the floor. Two patients were discharged from the hospital. A psychiatric OPD is also run. No psychiatrist is posted. A psychiatrist from the Regional Mental hospital visits the

hospital once a week. 02 Clinical Psychologists -one male and female are posted in the hospital.

I spoke to two of the patients admitted in the psychiatric ward. Ajay Tiwari has epilepsy and seizure. He complained that nobody from his home visits him. Nabeez Khan 62 had a heart surgery recently. He is recovering well. He also complained that nobody from his home visits him. It was stated that women prisoners mostly suffer from depression and anxiety. Social workers from Tata Trust counsel the women prisoners.

Medicines are obtained through indents from the Civil Hospital. It was reported that there is no shortage of medicines at present Individual medical records of prisoners need to be maintained ; they also need to be computerized. The prison hospital has two ambulances for emergency.

Video-conferencing

Video-conferencing facility is available in the jail. Prisoners are produced before courts using this facility. It was stated that on the average 40-50 prisoners are produced before the courts through video conferencing, on daily basis. Around 500-600 prisoners are stated to be produced (129 prisoners in Feb.2017, 96 in March; and 91 in April) before courts on monthly basis through SDN VC facility. 601 prisoners were produced before courts in Feb.2017 using the Court VC facility (537 in March, 567 in April). Focus should be only in numbers but also on the quality of production of prisoners through video-conferencing .

Legal Aid

It was stated that legal aid is being provided to prisoners. District Legal Services Authority is stated to be active. 02 advocates (male) visit the jail and provide counseling and legal aid. It was stated that 40 prisoners were provided with legal in April. 2017. District Legal Services Authority needs to be actively involved in legal counseling and assistance to the inmates as it is seen that a good number of prisoners are languishing in jail as under trials.

Sanction of bail

It was stated that appeals have been filed by all convicted prisoners and that no prisoner is languishing in jail after getting bail, for want of sureties.

Lok Adalats

It was stated that two *Lok Adalats* are being organized every month.

Parole/ Furlough/ Remission

It was stated that parole is sanctioned as per rules by the Divisional Commissioner and furlough by the DIG. In the case of death or any emergency the Superintendent can sanction parole. It was stated that at present that 04 prisoners were on parole and 06 on furlough. 46 prisoners who were on parole and 77 prisoners *who were on furlough have not yet returned*, which is a serious matter. While sanctioning parole/furlough it would be prudent to inform the local thana and the panchayats so that the prisoner could be tracked.

It was stated that Remission is sanctioned as per rules and that no case of Remission is pending at present.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (coin box) are stated to be available to only convicted prisoners except gangsters, terrorists, naxalites and notorious prisoners. for communication with their families. A waiting room with barbed fencing is set apart for visitors. Visitors time is fixed from 9 am to 12 noon and 4pm to 06 pm.

Board of visitors

It was learned that visitor's Board has not been constituted for the jail, but is under process. The Board needs to be set up without any further delay..

Complaints management

Complaint boxes have been installed to receive complaints from prisoners which are to be opened by the Session's Judge, ADG of police, IG Prisons, Pune and DIG of prisons. Superintendent takes daily round and listens to complaints from prisoners. In fact apart from the Sessions judge/it should be the concerned DM (being independent, local) who ought to have the keys not the officials in the prison

hierarchy. This is insufficient. There is every need to have prisoner's Durbar in which the District Collector and SP participate. They ought to have periodic interaction with the prisoners.

Library

A library with around 848 books is set up in the jail for use of prisoners. The collection is said to include books in English (43), Marathi (450) and Hindi (355). Books in other languages like Urdu also ought to be made available. The jail ought to have a library within the female section too.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail. Included are orchestra and singing, mini plays and theme plays, dance individual and Group. Women inmates also organize such programs.

Sports Outdoor games like volley ball are played by the prisoners. Indoor facilities for playing chess and carom are available. A gym also is being utilized by the prisoners. However, no sport facilities are available to women prisoners.

Religious activities

It was stated that religious activities are organized in the jail. Prisoners are allowed to have their own religious practices.

Yoga/Gym

Facilities for practicing Yoga are available. Yoga is taught to prisoners by trained prisoner volunteers. Training is provided with the aid of organizations like Art of Living.

Recreation It is seen that color TV sets have been provided in all wards for the entertainment of prisoners. News papers are being supplied to prisoners in different languages. Women prisoners also need to be supplied news papers.

Jail Canteen

It is seen that canteen facilities are available to the inmates. It was stated that majority of the inmates take advantage of this facility. It is run on a no-profit-no

loss basis and is self supporting. Various articles of daily use are sold to the inmates. On festive occasions sweets etc are also sold through the canteen.

Other facilities

Other facilities provided include visits by family members, sending letters to family the inmates, Aadhar cards, ATM Debit cards, inmate insurance as well as participation in prisoner welfare schemes.

Vocational Training

Central Prison, Nagpur is equipped with facilities which enable the prisoners to 'earn and learn'. It is seen that the jail has taken up several vocational activities to keep the prisoners engaged including items like carpentry, handloom/ power loom weaving, bakery and smithy. Work sheds were in very good condition.

Vocational training is taken up in electrical repairs (wireman's course- 75 male trained), masonry (75 male trained), plumbing (25 male), two wheeler repair (80 male), electrical repair, computer repairs and basic computer training (160). Every skilled person is paid wages at the rate of Rs. 55/- per day; semi-skilled Rs 50/- and unskilled prisoners are paid Rs.40. It would appear to be far too low. The rates need to be revised on par with those sanctioned in states like Bihar. Prison authorities reported that in 2014 Rs.1.5 crore were raised as income from all activities together. It increased to Rs.1.4 crore in 2015, Rs.3.3 crore in 2016. This year upto February income generated was reported as Rs.86.76 lakhs.

Interestingly 24 prisoners are seen engaged assembly work for Honda cycle. The company provides assembly skill training. Out of their daily earnings Rs 200/- is paid by company and Rs.55 met by the jail. Money is deposited in their accounts of which 1/10 is kept back as saving. They are allowed to spend the rest.

For women prisoners activities like washing powder, soap and phenyl- making (40 female) garment making 60 female) and beautician's course (60 female) are taken up. Besides jewelry making/wedding card designing etc are also taken up. In all training is stated to have been provided in various trades to 635 prisoners (415 male; 220 female). The products are supplied to jails, Government offices and public through sale.

Work sheds were seen in very good condition. Older prisoners also need to be engaged in easy items of work. Those engage in work are seen provided with masks and gloves and safety equipment, depending on the nature of trade handled.

It is seen from reports one post each of Turner Instructor, Tailoring Instructor and Leather instructor are vacant. Other posts like weaving instructor, carpentry supervisor, bakery instructor, printing instructor etc are seen filled up. As for women trainers, two posts of Training instructors are seen filled up; but single post of tailoring instructor is reportedly vacant. These vacancies ought to be filled up quickly.

Since this is a large prison up-scaling and diversification of traded need to be thought of. Older prisoners also need to be engaged in easy items of work.

Drug De-addiction program

No Drug De-addiction program is being organized in the jail. However, camps are organized. Since drug addiction is common among prisoners, it would be necessary to conduct a special drive to find out the number of prisoners involved. Those involves ought to be provided necessary counseling and treatment.

Role of NGOs

It was stated that services of 10-12 Non Governmental Organizations (NGOs) are being utilized

Inspections

It was stated that regular inspections are conducted by IG (prisons), DIG (Prisons) and other senior officials. District Judge and CJM regularly.

Security

Jail authorities claimed that the jail had necessary modern equipment including VHF units, mobile detector, Door frame metal detector, hand held metal detector, Deep search metal mine Detector, mobile jammer, baggage scanner, IP based CCTVs (104) .It also has a stock of arms and ammunition. No information has been provided regarding number of posts sanctioned and filled up for maintaining within and outside the jail premises..

Solar Lighting

Many jails in the country have shifted to alternate energy uses for a variety of purposes'. Solar lighting/heating have been not yet been introduced so far in the jail.

Training

It is very important to train Jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It is learned that regular training programs are being organized

Jail manul

Jail Manual circulated by BPRND was notified in 2015.

Budget

It was confirmed that sufficient funds are available for jail activities.

It was reported that a grant of Rs 16.40 crores for the period 2016 -17 . A grant of Rs.17.56 crore has been provided for the period 2017-18.

To ensure more efficiency it would be useful to allow the jail to have Rs.10 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Modernization**Observations/ Recommendations:-**

General recommendations/suggestions have been included in part-1 of this report. However, specific recommendations in respect of this jail are summarized below:-

1.Posting a regular Jail superintendent

2. Up gradation of infrastructure/plan for modernization/Construction of new infrastructure
3. Filling up of vacancies
4. Posting additional security staff
5. Reducing under trial population/regular production before courts
6. Up-gradation of hospital/Lab facilities
7. Adequate treatment for mental illnesses
8. Posting of ANM
9. Women prisoners/children-full compliance of SC-directions
10. Setting up modern Telephone Management System/introduction of E.mulakat
11. Put in place a Complaint Management system
12. Sanction of untied funds
13. Involvement of additional NGOs in various activities
14. Introducing solar lighting/heating
15. Regular inspections and follow up action
16. Training of jail officials and staff in human rights issues concerning prisoners
17. Install solar lighting/heating facilities
18. Set up water harvesting/recycling facilities

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PART-111

REPORT ON VISIT TO DISTRICT JAIL, CHANDRAPORE , MAHARASHTRA ON 17-05-2017

-- S. Jalaja, Special Rapporteur, NHRC

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **4,476** crimes Chandrapore district in Maharashtra stood 167 th in all crime records in India .It reported a crime rate of **203.06** compared to National crime rate **218.67** in 2013. In Chandrapur, the highest crime reported was **Dacoity**, whereas lowest crime was **Theft**. During the same period **it reported 110 th** position in no. of murders, **57th** in no. of rapes, **79th** in no of robberies, **77** in no of thefts, **41st** in no. of dacoities, **188 th** in no. of kidnappings and **138 th** in no. of riots.

Jail Profile and history

District Jail Chandrapore is one of the oldest jails in Maharashtra. Originally set up as a palace of the *Gond* kings, it was converted to a prison by the British in 1876.

Land and infrastructure

The jail has a total extent of 8.7 hectares of land around it, with prison area constituting 3.75 Ha, agriculture land 3.22 ha and staff quarters occupying 1.40 Ha. There are altogether 13 barracks s, including two separate female barracks. The adolescent and older prisoners are accommodated in separate wards. Although 06 Cells are available, no high security cells are available in the jail. Open space is available in front of the wards. A play ground is also available in the prison premises. 26 staff quarters are available for residential accommodation of which 04 have been reportedly abandoned.

Manpower

It is seen that against a sanctioned staff strength of 77, 69 posts are filled up;08 posts are stated to be vacant. Posts of Nursing Orderlies, one Chemist and 06 *sepoys* were reported to be vacant.

Jail capacity and occupancy Against a sanctioned capacity of 333 (322 male and 11female), 615 (592 male and 23 female) inmates are kept in the jail. 02 children are staying with her mothers. No pregnant women prisoners were reported to be present.

Category-wise details of prisoners

It is seen that under trial and convicted prisoners have not been segregated in this jail. Category-wise prisoners reported were as follows :-

<i>Category</i>	<i>Male</i>	<i>Female</i>	<i>total</i>
<i>UT prisoners</i>	380	15	395
<i>U/S 302</i>	127	05	132
<i>RI prisoners</i>	26	-	26
<i>NDPS</i>	09	01	10
<i>Naxals</i>	44	02	46
<i>MPDA</i>	01	-	01
<i>Total</i>	582	23	695

Under-trial Prisoners

Under trials constitute majority of the prison's population (about 60-65 %). No data was available on the length of stay of under trial prisoners in jail, Authorities ought to make a determined effort to reduce the U/T population, by increased production of UTs through Video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

Condition of prisoners.

I visited some of the wards and had interactions with the inmates. The wards were generally clean and had enough ventilation. TV sets have been provided in every ward. Lights and fans were in working condition. The condition of toilets was generally satisfactory. Drinking water was available. Prisoners are also provided all essential items of daily use like clothing, linen, blankets, mat, towels etc.

Lodged in this jail are 47 alleged extremist prisoners, including 02 female prisoners. I specially visited ward number: 3 where some of the alleged extremist prisoners were lodged. It is a large hall with fans and lights in working condition. The condition of the toilets was not satisfactory, as running water was not available.

I spoke to some of the inmates. Sanjay Manguwar 2 is booked u/s 302 IPC and other provisions of CLA Act. He has spent more than an year and a half in jail.

Ashique Sankarpur 28 was booked u/s 307 IPC in jail. Samraj 25 also booked u/s 307 has been in jail for the last 03 years. Booked u/s 302 Ramu 35 has spent one year and 15 days in jail. Raisu 34 has a case u/s 395 and has spent 03 months in jail. Vasudeva 24 and Bhaskar 28 have cases registered against u/s 307 IPC. Mittal Vittal 42 is booked u/s 380 IPC. Navloo Gunju patel 35 is a an alleged extremist and has spent spent 16 months in jail. Naresh Yadav 24 is booked u/s 376. He was absconding earlier. He was found wearing a white uniform. Shyam Sunder 50 is booked under the Prevention of Cruelty to Animals Act, 1960, as an animal was electrocuted in his field. He has been in jail for the last 05 months. Abdul Rahman 52 was booked for power theft and has been in jail only 4 days. Ranji Usendi 55 is in jail for last one year for a case of murder. Nazir was transferred from Bhandara jail. He stated that he has got bail but not allowed to go.

It is seen that most of the alleged naxalite prisoners ate Adivasis belonging to Gadchiroli district and adjoining areas of Chandrapore district. Due to distance from their homes their families are not able to visit them. It is learned that UT prisoners are not generally allowed any telephone facility. Many of the prisoners have spent a long time without their cases being concluded. Individual cases ought to be reviewed and their extent of involvement ascertained. They should be provided basic facilities.

Women Prisoners

Female prisoners are presently accommodated in a long room with large windows. It had tin roofs ; flooring is very old . There is sufficient ventilation in the rooms. Fans and lights were in working condition. One attached toilet is available. A set of three toilets is available outside. Two more are proposed. No separate kitchen is available in the ward. A TV set is installed for entertainment of the female prisoners .

It is seen that some of the women prisoners were wearing a grey uniform. On inquiry I was told that they were those alleged of committing murders. *I have in my previous reports pointed out that forcing prisoners who are allegedly involved in murder cases wearing uniform of a given color would be highly discriminatory, since they were yet to be pronounced as guilty by a court of law.*

I spoke to some of the women prisoners. Sangeeta Chandravanshi is booked u/s 302 IPC. She stated that her husband is also in jail. She has an year and a half old baby with her. She confirmed that the child is provided milk and fruits. Besides toys are also supplied to their children.

Jiteswari 24 is allegedly involved in a naxal case. She belongs to ST community and is from Gadchiroli . She is in jail for the last 08 months. She stated that her uncle got her implicated in the case. Rami Halami ST 22 stated that she has been in jail for the last two years. According to her , her own brother got her implicated in the case. She confirmed that an advocate is appearing on behalf of her in the pending case against her. Although married, She has no children. Mundaka Kodi is Telugu speaking. She is allegedly involved in a kidnapping case. Jai Geikwad Partneshi 40 has been in jail for the past 02 months. A boy of 02 years is with her. Bhanel 68 stated that she was married and her husband is absconding .

It is seen that a teacher is deputed for teaching older children. It was stated that no Gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children. *No lady doctor visits the jail.* OPD is managed by male MO s. No regular nurses are posted. The administration ought to have ensured the presence of an ANM by deputation from the nearest health facility.

As far as vocational training of women prisoners are concerned, at present training in pottery painting, making incense sticks, making household articles from paper, tailoring and stitching are being provided to 10 women by Mahila Arthik Vikas Mahamandal, an NGO. No sports activities are being organized for women prisoners.

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4 2006) has issued detailed guidelines on the care of women and children incarcerated in jails. These guidelines ought to be strictly followed and basic facilities provided to women prisoners and children staying with them.

Mentally ill prisoners

It was stated that at present no prisoner is identified as mentally ill. However, some prisoners are taking treatment of Dr. Sivaji a psychiatrist. He visits the jail once a week and provides treatments to prisoners who are suffering from minor ailments. Counseling is also arranged for the prisoners.

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. It is surprising that with a population of around 561 prisoners the jail administration has not been able to identify a single prisoner as mentally ill. It would appear that no proper screening for mental illness is conducted at the time of admission or subsequently, on regular basis.

Custodial Deaths /violence

It is reported by jail authorities that only two prisoners -Vangla Madhukar Sadanaiyya (09-01-15) and Namdev Ganu Shende (28-10-16) died in custody in the last three years. Both died at the Government Hospital. One died of TB. The other case is pending with magistrate for inquiry. It was confirmed that both deaths have been reported to NHRC.

Escape of prisoners/jail break

No such incident was reported in the jail.

Video-conferencing

Video-conferencing facilities are available in the jail and 03 units are connected with courts outside the districts.. It was stated that only around 600 prisoners are produced before the courts through video- conferencing, on monthly basis. The number and quality of production of prisoners through video-conferencing need to be improved.

Sanction of bail

It was stated that no appeals have been filed by any of the prisoners and that only two prisoners are languishing in jail after getting bail, for their inability to deposit Rs.50.000/- each. Their cases ought to be taken up on priority.

Lok Adalats

It was stated that although the CJM visits the jail, *Lok Adalats* are not being organized. This should be taken up on priority.

Parole/ Remission

It was stated that in Maharashtra paroles are sanctioned by the Divisional Commissioner and furloughs by the DIG. Remissions are sanctioned only for convicted prisoners as per the jail manual.

Legal Aid

District Legal Services Authority is stated to be actively involved in legal counseling and assistance to the inmates. It was stated that legal aid is being provided to prisoners. As per report from 1-1-2016 to 31-12-16 1296 prisoners were reportedly provided legal aid and from 1-1-2017 to 31-3-2017 464 inmates were provided legal aid.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply is currently being provided in the jail by lifting water from wells and overhead storage. Water quality tests are apparently being carried out. RO system is not yet installed.

As far as sanitation facilities are concerned 15 toilets are said to be available which were seen generally kept clean. Only bathing platforms are available for male prisoners.

Power Supply

24 hour power supply is available in the jail. A generator is installed as back up.

Food supply

The kitchen is set up in one of the old halls which is more than 10 years old. It was in a poor condition. Even with exhausts it was very hot to work in the kitchen. I was told that renovation of the kitchen is in process. Pipe water supply/ boring is available for cooking, washing and cleaning purposes. LPG is available for cooking. 20 prisoners work round the clock in the kitchen.

Education

It was stated that nearly 40% of the jail population is illiterate. Although it was stated that Sarva Siksha Abhiyan (SSA) is being implemented, only one regular

teacher is deputed to the jail. One woman constable teaches the women prisoners. The jail has tie up with Yashwat Rao Chauhan Center. While emphasis on higher education is welcome it is necessary to provide basic education to those who are illiterate or semi literate. Regular teachers ought to be deputed. Volunteers from among convicted prisoners-both male and female could be trained.

Health care

The jail has only rudimentary health facilities. But for a dispensary no hospital is seen set up in the jail. It mainly depends on the local Civil Hospital for health care of the prisoners. One large room has been converted to an OPD. 50-60 patients attend the OPD on daily basis. A part time medical officer from the Civil Hospital, Chandrapore visits the jail. *No posts of medical staff or technicians are sanctioned.* A pathological lab is also not set up. This set up is least satisfactory. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. There is no separate arrangement for women prisoners and their children. Besides, it is difficult to get timely and satisfactory treatment in over-crowded government hospitals. Medical camps are no substitutes for hospital care on day to day basis. A regular medical officer should be posted quickly without any further delay. If it is not possible to post a lady doctor at least a nurse from the nearest health facility ought to be deputed for the care of women prisoners and children. A Pharmacist also ought to be posted. One of the convicts also needs to be trained in health care as Para-medic.

No isolation ward is available. There is also no set up for health care of women prisoners and their children. X-ray and other facilities are also not available.

It was stated that only one prisoner was diagnosed with TB but was released. No case of Malaria or HIV/AIDs was reported. But skin problems are common.

Medicines are obtained through indents from the Civil Hospital. It was reported that there is no shortage of medicines at present. Civil surgeon, Chandrapore ought to visit the jail at least once a month. Individual medical records of prisoners need to be maintained ; they also need to be computerized.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs are available to convicted prisoners once a week for communication with their families. This facility is planned to be extended to UT and women prisoners shortly. A modern PCO facility ought to be installed in the jail without any further delay. In the absence of the facility, prisoners are bound to use mobile facilities illegally. This also encourages corruption.

Board of visitors

It was learned that visitor's Board has not been constituted for the jail. The Board needs to be set up and its functioning monitored closely.

Visitor Management System

Apart from keeping a record of all visitors, a modern VMS is yet to be introduced in the jail.

Complaints management

Complaint boxes are installed to receive complaints from prisoners which are to be opened only by the District and Sessions judge and senior functionaries in the prison administration. This is insufficient. There is every need to have prisoner's Durbar in which the District Collector and SP ought to have periodic interaction with the prisoners.

Library

A small library with around 2000 books is set up in the jail for use of prisoners. Female section is also provided books.

Cultural programs

It was learned that cultural programs, including musical programs, are being regularly organized in the jail. Women inmates also organize such programs.

Sports Outdoor games like volley ball are played by the prisoners. Indoor sports facilities for playing chess and Carom are available. However, no sport facilities are available to women prisoners.

Religious activities

It was stated that religious activities are organized in the jail. Prisoners are allowed to have their own religious practices. Two small temples, church and Durga are available.

Yoga/Gym

Facilities for practicing Yoga are at present available with a teacher from *Patanjali* Yoga deputed for that purpose. Care ought to be taken that it should be organized on a voluntary basis. Training ought to be provided to women prisoners. No Gym is available.

Recreation It is seen that color TV sets have been provided in all wards for the entertainment of the prisoners. News papers are being supplied to prisoners. Women prisoners also need to be supplied news papers.

Vocational Training/employment

Vocational training is being organized for male prisoners for preparation of LED bulbs. As mentioned, women prisoners are trained in different trades with the help of NGOs. Vocational training needs to be up- scaled and diversified

Employment is provided to those who are physically and mentally fit to work. Under trial prisoners are also assigned work, if they volunteer to work. Payments are made to workers at fixed rates --Rs.55/ day for the skilled ; Rs 50 for the semi-skilled and Rs. 45/ day for the unskilled.

Drug De-addiction program

No drug De-addiction program is being organized in the jail.

Role of NGOs

Services of only two Non Governmental Organization (NGO) recognized by the women and Child Development Department are being currently utilized.

Inspections

It was stated that regular inspections are conducted by the authorities. It appears that no inspection, however was carried out by the authorities this year.

Security

No information has been provided regarding number of posts sanctioned and filled up for maintaining security within and outside the jail premises..

Solar Lighting

No solar lighting or heating is taken up in the jail so far. Solar energy is proposed to be utilized. Proposals are under way.

Training

It is very important to train the Jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It was stated that trainings are being organized by the Head Office Pune.

Budget

It was confirmed that sufficient funds are available for jail activities.

To ensure more efficiency it would be useful to allow the jail to have Rs.10 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Modernization It was stated that 02 new barracks are proposed to be constructed in the jail. Half-mast lights and CCTVs are proposed to be installed. Besides, solar powered lighting is planned to be installed. Instead of taking up constructions in a piece-meal fashion, it is necessary to have a comprehensive plan for the entire jail.

Modernization implies not only that of physical infrastructure bur also provision of facilities for mental and spiritual development of prisoners.

Observations/ Recommendations:-General recommendations/suggestions have been included in part-1 of this report. However specific recommendations in respect of this jail are summarized below:-

1. Preparation of a plan for modernization

2. Filling up of vacancies
3. Review of security
4. Reducing under trial population/regular production before courts
5. Review of cases of naxalite prisoners. Transfer of those prisoners who have not committed any heinous crimes to Gadchiroli prison
6. Up-gradation of hospital/Lab facilities/posting of Doctors and medical/ para medical staff
7. Screening for mental illness/TB Malaria/HIV/AIDS
8. Posting of ANM
9. Women prisoners/children-full compliance of SC-directions
10. Setting up Telephone System/VSM
11. Put in place a proper complaint management system
12. Vocational activity-up-scaling/diversification
13. Sanction of untied funds
14. Involvement of NGOs in various activities
15. Counseling of prisoners with the help of reputed institutions
16. Training of jail Officials and staff in human rights issues concerning prisoners
17. Instal solar lighting and heating systems
18. Set up water harvesting/recycling facilities

PART- IV

REPORT ON VISIT TO DISTRICT OPEN JAIL, GADCHIROLI, MAHARASHTRA ON 18 -05-2016

-----S.Jalaja, Special Rapporteur, NHRC

Crime profile

As per crime reports by *ncrb.gov.in* **Gadchiroli** District in Maharashtra stood **461st** in all crime records in **2013**. In 2013, **1,033** crimes were reported in Gadchiroli that year.

Gadchiroli has lowest crime rate of **96.28** compared to National crime rate **218.67** in 2013. It stood **105th** in no of murders, **111th** in no of rapes, **126th** in no of robberies, **321st** in no of thefts, **43rd** in no of dacoities, **220th** in no of kidnapping and **230th** in no of riots.

In Gadchiroli, the highest crime is **Dacoity** where as lowest crime is **Theft** in 2013.

Jail Profile and history

District Open Prison, Gadchiroli was established in 2015 by the Maharashtra Government. It was one of the long pending demands of the local population to have a prison in Gadchiroli with the State Government and they had been agitating for the same in the Bombay High Court for the last few years. In a PIL filed before the Court, it was claimed that in the past few years, over 200 local youths suspected of extremist activity were picked up by police and lodged in distant jails and that they were not brought to the courts for hearing, until summoned due to distance and security reasons.

Situated near the MIDC industrial estate, the jail was proposed in the year 1998 and it took almost five to six years to build. Constructed over four years ago at an estimated cost of Rs 13 crores the sprawling prison complex designed to house nearly 500 prisoners could not be made operational reportedly due to lack of coordination between prison and police officials, as the police authorities were not reportedly satisfied with the security arrangement made in the prison, which is located in the heart of a Naxal-hit area.

It was learned that by 2014, the building's electric fittings, including wiring, for both the prison and the residential quarters were completed. However, as per media reports some miscreants stole all the fittings. It was brought to the notice of the Bombay High Court that on account of lack of coordination between PWD and prison authorities, the entire building, was lying unused. Despite repeated assurances by the state government that the jail would be made operational soon, it was not made functional. The Home department was given two months to make

the prison in Gadchiroli operational. As an interim arrangement the Home Department, shifted 75 inmates from other jails to Gadchiroli prison, which for now would function as an open prison. These 75 prisoners were selected on the basis of their good conduct over the years.

Land and infrastructure

The prison has a land area of 43.87 acres out of which an extent of 19.46 acres is occupied by prison buildings, 21.91 acres constitute plantation and lake area; 2.5 acres are dedicated to staff quarters.

The jail complex comprises of 04 barracks (all male). No high security cells have been set up. 44 staff quarters have been constructed in the jail premises.

Manpower

It is seen that against a sanctioned staff strength of 55, 39 posts are filled up; 16 posts are stated to be vacant.

Important post of Superintendent (01), Jailor Gr.1 (01), Jailor Gr.11 (03) are reported as vacant. Posts of Medical Officer Gr.11, medical technicians, nursing orderlies and pharmacists are also not filled up. For a jail like this located in the interior area of the state, no post should be kept vacant; all important posts need to be filled up without any further delay.

Jail capacity and occupancy Against a sanctioned capacity of 75, 69 (all male) prisoners are accommodated in the jail. One prisoner was transferred and another was said to be on leave.

Category-wise details of prisoners

It is learned that 60 prisoners are convicted. There are no under trial prisoners lodged in this jail. Other categories of prisoners like elderly prisoners, mentally ill prisoners, extremist prisoners were not present. All prisoners have been convicted to Rigorous Imprisonment (RI).

Condition of prisoners.

I visited some of the wards and had interactions with the inmates. G+ 05 buildings are under repair as they remained without use. Only 04 barracks of this block are utilized as accommodation for the inmates.

The first of the barracks visited had a sanctioned capacity of 30 prisoners against which only 17 prisoners have been accommodated. The wards were clean and had enough ventilation. Fans and lights were in working condition. Drinking water is available. Wards have three attached toilets available for night use. The condition of toilets was satisfactory. TV sets have been provided in every ward. Bedding, blankets, bed sheets and mosquito nets have also been provided to the inmates. Wards No 3 and 4 also had 17 inmates each.

Gajanand Babulal Batulwal 41 is sentenced to LI in a case u/s 302 IPC. He stated that his family members visit him. He also talks to them twice a week. Raju Iswar Barbude is from Nagpur. He stated that after his transfer to this jail he has not been able to meet any of his family members due to the distance involved. He wanted to be shifted to the nearest jail to his home. Nago Badda Madavi 34 has been awarded LI in a murder case. His premature release is pending with the authorities.

Samaayya Lasamma 55 is also booked u/s 302 and sentenced to LI. He has already spent 15 years in jail. His case for remission is pending before the State Government. Suresh Ramaji Sinone 31 is from Nagpur. He wanted to go to Morsi jail in Amrawati district where the capacity is full.

Balaji Panduram Londe 50 came from Nasik jail. He is undergoing life imprisonment and spent 11 years in jail. He wanted to go to Central Jail, Aurangabad or District Jail Paton. Raj Kumar Tularam Adakane 42 is booked under section 302 IPC. He came from Bhandara jail and he wants to go to Morsi. He stated that he had no family contact for the last 06 months. He has small children back at home. He has applied for premature release due to HIV/AIDs.

Uday Thakur Sullal was from Bombay. He was transferred from Kohlapur Jail. He has to complete 11 more years in Jail. He also wanted to be in a jail closed to his home.

Naresh Sakhuram Narkar 39 is also an LI prisoner, booked u/s 302 IPC. He also faces the same problem of distance from the family.

Mani Kowaji Salami 50 is also an LI prisoner with a case registered u/s 302 IPC against him. Parole was sanctioned by the authorities facilitating his attending the wedding of his son. Maharashtra Govt. has recently made conditions for sanctioning paroles very stringent, with the result that he was unable to attend his son's wedding as he could not deposit the prescribed amount. His son's wedding is now over. Navnath Rana Bhosle 72, an LI prisoner also wanted to go to Paton jail. Sarat Mariva Choudhury 34 also wanted to be transferred to Pune.

Sreeram Bapu Rao Khasak 47 completed 14 years of LI. His case for premature release is pending. Although he has filed an appeal in the Supreme Court with the help of the legal aid committee, he has no information regarding its status.

Baba sahib Shareher Wagmare 37 was transferred from Yerwada Jail in Pune. His son aged 12 is studying in Ashram School Pune. His mother is also in jail. Wife's family filed a case against which he filed an appeal in the Supreme Court. He stated that he has no information on the status of this case. Satish keshav Doipode and Nandram Arjun Baveskar had their request for transfer rejected.

Some of the prisoners suggested that prisoners ought to know in advance about their release before the completion of life term. They were of view that there was no advantage as far as the open jail is concerned.

Custodial Deaths /violence

It is reported by jail authorities that one prisoner died in custody this year and that the death happened due to natural causes, in hospital. Nevertheless a magisterial inquiry is on. It should be completed without any further delay.

Escape of prisoners/jail break

No such incident was reported in the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply is currently being provided to the prison by lifting water from the nearby river and storing it. 02 bore wells, one inside the

jail and another in the jail premises help the supply of water. It was stated that two RO systems have been installed.

As far as sanitation facilities are concerned, adequate number of toilets (18) are available which were kept clean. Bathrooms and bathing spaces are available for prisoners.

Power Supply

it was learned that 24 hour power supply is available in the jail. A generator is also installed as back up.

Food supply

The jail kitchen is located in a large hall with adequate ventilation. Exhaust fans have also been provided. Despite these arrangements, kitchen in peak summer was exceedingly hot. LPG facilities are available. 06 prisoners are working in the kitchen in two shifts. As in other jails of Maharashtra, Rs 55/- is paid per skill worker. All are stated to be skilled workers. Pipe water supply is yet to be installed for cooking, washing and cleaning purposes.

The prisoners are provided breakfast, lunch and dinner besides tea and snacks. Food is distributed on calorie calculation. Health check up of those who work in the kitchen is carried out. Diet food is supplied to patients on the recommendation of the doctor. Quality of food supplied was found to be satisfactory.

Education

It was stated that 90% of the inmates were literate. No teacher is available to impart basic education to those who are left out. Efforts are being made for promoting higher education through Dr Baba Saheb Ambedkar University and the Indira Gandhi Open University. Besides formal education, prisoners are taught good habits like personal hygiene, good communication, self discipline, helping others good house -keeping library reading daily news papers.

Health care

A prison hospital with rudimentary facilities s available in the jail campus. A doctor from the police Hq. visits the jail. No female nurse, nursing orderly or

Pharmacists are posted in the jail hospital. Lab testing facilities are not available. No lab technician is posted in the jail. Urgent cases are referred to Government hospital outside. One ambulance is available for emergency services.

Video-conferencing

Video-conferencing facilities are available in the jail but are not being utilized.

Legal Aid

It was stated that DLSA is active. It has deputed one advocate and paralegal Counselor to aid the prisoners in legal work. 20-25 prisoners have been provided legal aid. It was learned that no appeal has been filed from this jail.

Sanction of bail

It was stated that one of the prisoners is languishing in jail after getting bail from the Supreme Court on 15-7-2013. He could not find a surety even after the lapse of many years. It was learned that the jail authorities have sent a proposal for premature release, without sureties.

Lok Adalats

It was stated that *Lok Adalat* is being regularly organized in the jail.

Parole/ Remission

It was stated that paroles and remissions are sanctioned as per rules. Paroles are sanctioned by Divisional Commissioners and furloughs by DIGs. No prisoner is absconding who has been sanctioned furlough. No prisoner on parole is also absconding. At present 08 prisoners are on furlough.

Drug De-addiction program

No drug De-addiction program is being organized in the jail.

PCOs/Telephone facility/waiting room/visitors

Face to face meeting facility is available to prisoners with their family members in the space provided for the purpose. Prisoners can communicate to their families through letters. Telephone facilities are allowed *to those who behave well*.

Board of visitors

No Board of Visitors has been constituted in the jail.

Complaints management

It was stated that three complaint boxes are installed inside the prison to receive complaints from prisoners. Two of them are opened by the District and Session Judge and two by IG & DIG (Prisons). (one of them ought to be with the DM) There is every need to have prisoner's Durbar. District Collector and SP ought to have periodic interaction with the prisoners.

Library

A well established library with 174 books and magazines is set up in the jail for use of prisoners. Books in Marathi Hindi and English are available.

Cultural programs

It was learned that cultural/ religious programs are being regularly organized in the jail

Sports Outdoor games like volley ball , foot ball and cricket are played by male prisoners. A play ground is available for that purpose.

Religious activities

Prisoners are allowed to have their own religious practices.

Yoga/Gym

Yoga classes are organized once a month with the help of *Patanjali yoga Sansthan*. Gym facilities are however not available.

Recreation It is seen that color TV sets have been provided in all wards for entertainment of the prisoners. Canteen facilities are available in the jail. News papers are supplied to prisoners.

Vocational Training

No vocational trainings are being organized in this jail.

Facilities for staff

Staff quarters are available to officers and staff of the prison.

Role of NGOs

It was learned that services of one NGO namely WARAD are being utilized in the jail. NGO activities need to be up-scaled and diversified.

Inspections

It was stated that inspections are conducted by the DIG (Prisons).

Security

Details of security arrangements were not made available by the jail authorities. Security arrangement in the jail ought to be reviewed periodically due to its strategic location.

Solar Lighting

Solar lighting /heating have been introduced successfully by some of the jails in the country. Solar energy system has not been introduced in this jail so far. Successful introduction of alternate sources of energy can help conserve energy and reduce the costs.

Training

It is very important to train the jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It was pointed out that Superintendents of Prisons and Jailors receive theoretical as well as practical training in Jail Officers' Training School at Yeravada on a scientific basis in all fields of correctional work. A separate training class of three months' duration for non-commissioned officers has been started at the Jails Officers' Training School to impart practical knowledge of the duties which are expected of a jail guard.

Budget

It was confirmed that sufficient funds are available for jail activities. The prison received a grant of Rs. 2.12 crore for the year 2016-17.

To ensure more efficiency it would be useful to allow the jail to have Rs.10 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting of the Committee ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Jail Manual

It is understood that a new Jail Manual is being issued . In fact, it is time that a new Jail Manual is brought out quickly by the State Government.

Observations/ Recommendations:-

General recommendations/suggestions

As already stated the District Open Jail, Gadchiroli was envisaged as a regular central /district jail only. The State Government belatedly realized that due to perceived security threat the jail could not be made operational by accommodating locals who are alleged to be extremists. Under pressure from Nagpur High Court to make the jail operational, it has converted the jail to an 'open 'prison. Convicted prisoners from other jails expecting remission were lodged here.

This decision of the state government has been costly. Alleged extremists prisoners from Gadchiroli and neighboring area are kept in Chandrapore and Nagpur jails. Production of the prisoners before courts mostly in Gadchiroli appears to be a serious problem. The prisoners live far away from their families. Those who are currently lodged in the open jail are also from distant areas. For them to contact and communicate with their family members is also a problem. Moreover, the jail does not have any features of an open jail. Prisoners neither live with their families nor are they allowed to work outside the jail. ***In short the decision of the State Government has been short-sighted and faulty, causing all round discomfort and inconvenience. State Government ought to convert the jail into a regular prison for accommodating prisoners from Gadchiroli locality. Those who are convicted or alleged to have committed heinous offences could be retained at***

Nagpur central jail. Those currently lodged in Gadchiroli open prison could be transferred back to their original jails.

General recommendations/suggestions have been included in part-1 of this report. However specific recommendations in respect of this jail are summarized below:-

1. Post a regular Jail superintendent
2. Complete construction/renovation of infrastructure/plan for modernization
3. Fill up vacancies
4. Review security
5. Set up new jail hospital/Lab facilities
6. Screen for mental illness/TB/ Malaria/HIV/AIDS
7. Post regular MO, Compounder and Nursing Orderlies-
post ANM to take care of women prisoners/children
8. Full compliance of SC-directions on women prisoners/children
09. Set up modern Telephone System/VMS
10. Set up Complaint Management System
11. Up-scale/diversify vocational activity
12. Sanction untied funds
13. Channelize involvement of NGOs in various activities
14. Arrange counseling of prisoners with the help of reputed institutions
15. Train jail officials and staff in human rights issues concerning prisoners.
16. Install solar heating and lighting facilities
17. Set up water harvesting/recycling system

(PTO)

PART- IV**REPORT ON VISIT TO DISTRICT JAIL (CLASS-1), BHANDARA,
MAHARASHTRA ON 20 -05-2016**

-----S. Jalaja, Special Rapporteur, NHRC

Crime profile

As per crime reports by *ncrb.gov.in*, **Bhandara** District in Maharashtra stood **341st** in all crime records in **2013**. In 2013, **2257** crimes were reported in Bhandara. Bhandara has lowest crime rate of **188.03** compared to National crime rate **218.67** in 2013.

It stood 119th in no of murders, **104th** in no of rapes, **105th** in no of robberies, **130th** in no of thefts, **42nd** in no of dacoities, **206 th** in no of kidnappings, **192nd** in no of riots. In Bhandara, the highest crime is **Dacoity** where as lowest crime is **Theft** in 2013.

Jail Profile and history

The district jail in Bhandara set up in 1896 during the British period it is one of the oldest jails in Maharashtra.

Land and infrastructure

The jail infrastructure comprises of 10 barracks, including one women's barrack and 07 high security cells. The barracks have some open space around them

Manpower

The jail has a sanctioned staff strength of 60 against which 51 posts are filled up; 09 posts are stated to be vacant.

Jail capacity and occupancy

Against a sanctioned capacity of 343 (338 male; 05 female) 371 prisoners (358 male ;13 female) are accommodated in the jail. One child also is staying with its mother. No pregnant women prisoners were present.

Category-wise details of prisoners

Out of 371 prisoners 42 male prisoners are stated to be convicts; 329 are (316 male ;13 female) are under trials. 05 naxalite prisoners are stated to be present. No civil or prisoners of foreign origin were reportedly present.

Under-trial Prisoners

Under trials constitute roughly 97% of the jail population. It was reported that out of 329 under trials 21 prisoners (all male) have completed more than an year and a half in jail; *16 under trials (all male) have spent more than two years. Dinesh Madavi and Budrusisam were admitted on 12-11-2012. Birju Pitto Pugati, Devendra raut and Sanjay Derarkar were admitted in 2013. Mahesh Aagase Shahanabaj Sattar Sheikh Sheikh Raheman were admitted in 2014.*

Condition of prisoners.

It was stated by the authorities that attention is paid to regular maintenance of cleanliness and hygiene in the jail. Food, clothes, bedding and other provisions like soaps oil, tooth powder are provided to the prisoners. They are allowed to move in the campus freely from 6.30 am to 12 am in the morning and 3 pm to 6 pm in the evening. The prisoners , on inquiry stated that they have no complaints in this regard.

The wards were clean and spacious. Lights and fans were in working condition. Toilets are available outside the wards too. ward No.1 has a sanctioned capacity of 60 but only 22 prisoners were present

I visited ward number 1I and interacted with several prisoners. Laxman Guha 34 has a case registered against him U/S 302. He was stated to be mentally ill. He claimed to have killed a traitor. Sudhir Haljade 47 is booked under the provisions of SC/ST (Prevention of Atrocities) Act recently.

Next I visited the young ward wherein prisoners of 19-21 age group are accommodated. Against a sanctioned capacity of 60, 21 young prisoners are lodged here. Most of those lodged here are generally involved in cases u/s 376 IPC. On a discussion with authorities I was told that those are mostly cases wherein boys often run away with under-aged girls and get caught. While the girls go free, the boys continue to remain in jail. Many are usually booked under relevant provisions of IPC, including section 376 IPC.

The ward is a long hall with good ventilation. Fans and lights were in working condition. Out of two toilets inside the ward only one was in working condition. I spoke to Jitendra 18 from Gondia district. He is accused of theft of brassware. He came to the jail on 15th May, 2017. Four cases in all have been filed against him u/s 319 IPC. His case ought to be placed before the CJM for sanction of bail.

In ward number 04 I met Ganpath Mandal 50. Cases have been registered against him u/s 376/366/. Jitendra 52 is involved in a murder case and is in jail for the last 09 months. He complained that he has no legal support. Gajanand Ghose 67 is said to be an alcoholic and is sentenced to 03 years imprisonment. Ramdas Bhure 73 is allegedly involved in a murder case. Raj Mahesh 22 is involved in a case registered u/s 307 IPC.

Many of them complained that their families do not visit them.

High Security Cell

Altogether there are 07 High Security Cells in the jail- 03 on one side and 04 on the other. I spoke to some of the prisoners lodged here. Sheikh Rahman Sheikh Seil, and Sheikh Yusuf 28 and their accomplices have been in jail for last 3 1/2 years. They are stated to be involved in a heinous in a multiple murder case. They represented that they be kept in general wards. It was stated that since all of them quarrel amongst themselves and create nuisance for other prisoners all the time they have been kept in the high security cells .

Women Prisoners

Against a sanctioned capacity of 05, 13 female prisoners are lodged in the female ward in the jail . All 13 are under trails. As mentioned no children are kept with their mothers.

The female enclosure is quite spacious. There was sufficient ventilation in the room. Fan and lights were functional. There were two toilets one inside the ward and one outside. Both were found to be clean. A separate bathroom is available. No separate kitchen is available in the ward. A TV set is seen installed for their entertainment.

I spoke to some of the women prisoners. Pushpa Mallewar 36 is booked u/s 302 and has been in jail for 20 days. She is married with no children. She stated that it was her brother who implicated her in this case. Her mother, Saraswatibhai Devrao Hatwar 55 is also involved in the same case. Durga Surendra Bhure 38 is booked in a case u/s 302 IPC. She stated that her father -in-law was killed. Her name was added to the list of the accused. She has two small children at home . Prabha Harikrishna Rawat 23 has a murder case registered against her. Her husband is dead. She has no children. Lata Santosh Meshram 43 is reportedly involved in an abortion case.

A case has been registered against Ramkala Layutre 35 for illegal sale of liquor. Kamal Kamlabai Badole 55 and Varsha Barve 50 are booked u/s 376/366 IPC. Basanti Lillahare 38 is booked u/s 373/ 363 IPC . Shashikala Borkar 45 has also a case u/s 376/366 and other sections under IPC against her. Mira Bai Barewar is also an accused in a murder case.

The women stated that they have no complaints about food or other basic facilities. Children, when present, are provided with milk and fruits. Toys are made available to them when present. As regards health care no Gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children. Once a week doctors from the Civil Hospital visit the jail. Medicines are also supplied.

Vocational training for women prisoners is organized with the help of an NGO named Mahila Arthik Vikas Mahamandal in tailoring, pottery painting, making house-hold articles and incense sticks etc

Mentally ill prisoners

It was stated that at present there is no mentally ill prisoner lodged in the jail at present. But there are some inmates taking the treatment of Dr. Gajbhiye , psychiatrist. Besides counseling is also organized.

He visits the prison once every week. Generally prisoners suffer from a variety of mental illnesses like depression, bipolar disorder, anxiety disorders, schizophrenia etc. It is therefore surprising no prisoner had been identified with any mental

disorders. It would appear that no screening for mental illness is conducted at the time of admission or subsequently on regular basis.

Custodial Deaths /violence

Only one incident of custodial death was reported in the jail in the last 03 years. Arshid Bhoknya Vajir Sheikh died on 15-06-2014 in the local Medical College Hospital, due to brain hemorrhage. It was stated that a magisterial inquiry is pending. It is three years since the death has taken place. All formalities ought to be conducted by the end of this month, action taken if any foul play is found.

Escape of prisoners/jail break

No such incident is reported in the jail.

Video-conferencing

Video-conferencing facilities are available in the jail. It was stated the facility is linked to all courts in Bhandara district. 35-40 prisoners are being produced before courts on daily basis . Efficiency of the facility ought to be improved.

Legal Aid

It was stated that District Legal Services Authority is active. It has reportedly engaged Shri Sudhir Meshram, Shri Vijay Rehpade, Ms. Renuka Bedarkar, Ms. Neha Gajbhiye and Ms. Vishakha Bante and Ms. Sunita Choudhury advocates for providing free legal aid services to the inmates. 36-40 prisoners were provided with legal aid of which 2-3 were women.

It was reported that CJM Gondia, Judicial Magistrate first class Gondia and District Legal Services Authority jointly organized a free legal awareness Camp on 31-1-2017.

Parole/Remissions

It was mentioned that parole is sanctioned by the Divisional Commissioner and furlough by the DIG to convicted prisoners. Remissions are given Government as per rules.

Sanction of bail

It was stated that no prisoner is languishing in the jail after getting bail for want of sureties.

Lok Adalats

It was stated that *Lok Adalat* is regularly organized in the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply is available in the jail. No RO system has however, been installed. According to authorities water quality is good. It was stated that toilets are available in adequate number.

Power Supply

24 hour power supply is available in the jail. A generator of 10 KV capacity is installed as back up.

Food supply

A well organized kitchen is available. About 20 convicts are working round the clock. 12 prisoners are working in the kitchen at the time of visit. There was very little space for all of them to work together.

Cooking is done with the help of LPG. Running water pumped from a bore well is available for cooking and washing purposes. Exhaust fans are available for removal of smoke. Quality and quantity of food served is considered adequate. No complaints were received in this regard. 20 prisoners working in the kitchen stay in a separate room next to the kitchen. It was learned that a kitchen garden is also maintained.

Education

Only 80% of the jail inmates are stated to be literate. Services of two teachers are available for teaching male prisoners. But no arrangements have been made to teach women prisoners. A voluntary agency named Mahatma Gandhi Sarvodaya Vikas Mahamandal conducts examinations. Services of volunteers from among the prisoners are yet to be utilized. It may be noted that even under trials are forced

to spend considerable length of time in the jail. It is necessary to engage them in useful activities.

Health care

● *It is seen that no hospital with indoor facilities is set up in the jail .Only OPD facilities are available.*

Only a part time Medical Officer, deputed from the Civil Hospital Bhandara attends to the patients. Compounder and Nursing Orderly have not been posted. This arrangement appears to be inadequate as around 400 prisoners are lodged in the jail. Sending a prisoner to a hospital outside is very difficult; providing escorts could be another problem. An ANM ought to be posted from the nearest health facility at least for taking care of the health of women prisoners and the children staying with them.

It was reported that a medical camp was organized on 21-3-2017 and 21-4-2017 in which blood samples were checked for diseases like TB, Malaria, HIV/AIDS. It may, however, be pointed out that medical camps are, however no substitute for regular medical care.

PCOs/Telephone facility/waiting room/visitors

It was stated that telephone facilities are available to convicted prisoners twice a month for communication with their families. This facility is not available to under trials or women prisoners. A modern telephone management system ought to be installed permitting the inmates to make calls on payment basis. Prisoners are allowed to meet their families . But the visitors are allowed to communicate with the prisoners across a wire fencing. Due to over- crowding and noise they are unable to communicate with each other effectively.

Board of visitors

It was stated that a visitor's Board has been constituted in the jail. However, the Board members have not visited the jail for the last one year.

Complaints management

There is no proper complaint management system put in place by the prison administration, except installing a few complaint boxes to be opened only by the DJ/ ADG/DG. In fact it should be the DM who ought to keep a key. There is need to organize prisoner's durbar regularly. District Collector and SP ought to have periodic interaction with the prisoners.

Library

It is seen that a library with around 300 books is set up in the jail for use of prisoners.

Cultural programs

It was stated that cultural programs are regularly organized in the jail.

Sports

Facilities for indoor games like carom and chess as well as outdoor games like volley ball are stated to be available in the jail. No facilities, however, are seen made available for women prisoners.

Religious activities

There are no organized religious activities in the jail. Prisoners are allowed to have their own religious practices.

Yoga/Gym

It was stated that Patanjail Yoga Sansthan provides yoga training to the inmates. No Gym is available.

Recreation It is seen that TV sets have been provided in all wards for the entertainment of the prisoners. Canteen facilities are available in the jail. It was stated that newspapers are being supplied by the jail.

Vocational Training

It was learned that no vocational training is being organized in the jail. It was learned that both convicted as well as under trial prisoners participate in agriculture/horticulture activities.

Drug De-addiction program

No drug De-addiction program is being organized in the jail.

Role of NGOs

Services of Non Governmental Organizations are being currently utilized. It was reported that Samata Memorial Foundation organized eye-check up for prisoners on 09-01-2017. A team of doctors from General hospital Bhandara came and provided free check- up. Free spectacles were also distributed to the prisoners. Aditya Bahuddeshiya Sanstha, another NGO, also jointly organized a medical camp along with the Bhandara General Hospital on 21-02-2017. A session on spirituality was organized by the Bhrama kumaris, Bhandra on 31-1-2017. Ved Sanskrutik Vidyalaya, Haridwar and Gayatri Saktipeeth, Bhandara jointly organized camps on spirituality on 20-1-2017 and 22-01-2017.

Inspections

It was stated that regular inspections are conducted by the District Judge/CJM and others. Besides, regular inspections are being carried out by DIG (Prisons) . Last inspection was conducted in December, 2016.

Security

Details on security arrangement in the jail were not reported. Internal security to the jail is provided by the jail staff only.

Solar Lighting

No solar lighting /heating appears to have been introduced in the jail so far.

Budget

It was stated that budget allocation is considered adequate.

Training

It is very important to train the Jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It was confirmed that training programs are being organized.

Jail Manual

It is understood that a new Jail Manual is being finalized/issued by the State Government.

Modernization

No modernization plans appears to be on the anvil.

Observations/ Recommendations:-

District Jail, Bhandara is categorized as District Jail Class-1. Facilities ought to be upgraded commensurate with the status of the jail. Lack of adequate communication system (no phone facilities for under trials/women /difficulty in meetings with family) /lack of complaint management facilities/recreational facilities and vocational facilities are affecting the quality of life of prisoners. Absence of adequate health and educational facilities also are serious lacunae. It is the best time for introducing far reaching jail reforms in the jail based on principles of human rights.

General recommendations/suggestions have been included in part-1 of this report. However specific recommendations in respect of this jail are summarized below:-

1. Post a regular Jail Superintendent
2. Upgrade infrastructure/plan for modernization
3. Fill up vacancies
4. Review security
5. Reduce under trial population
6. Set up new jail hospital/Lab facilities
7. Screen for mental illness/TB/ Malaria/HIV/AIDS
8. Post regular MO, Compounder and Nursing Orderlies-
post ANM to take care of women prisoners/children
9. Full compliance of SC-directions on women prisoners/children

10. Set up modern Telephone System/VMS
11. Set up Complaint Management System
12. Up-scale/diversify vocational activity
13. Sanction untied funds
14. Channelize involvement of NGOs in various activities
15. Arrange counseling of prisoners with the help of reputed institutions
16. Train jail officials and staff in human rights issues concerning prisoners
17. Install solar lighting/heating facilities
18. Set up water harvesting/recycling facilities
