

REPORT ON INSPECTION VISIT OF SH. S.C. SINHA, HON'BLE MEMBER, NHRC, TO MUMBAI CENTRAL PRISON, ARTHUR ROAD, MUMBAI, MAHARASHTRA

On 25th and 26th May, 2017, Sh. S.C. Sinha, Member, NHRC paid a visit to Central Prison Mumbai to inspect the infrastructural facilities, living conditions of prison inmates and the functioning of the prison administration. One officer from Investigation Division of the NHRC, namely, Sh. Kulbir Singh, Dy SP accompanied the Hon'ble Member during the visit.

Soon after arrival the Hon'ble Member addressed a meeting. Sh. H.B. Ahirrao, Superintendent & Sh. H S Mind, Senior Jailor, Mumbai Central Prison, Sh. Uttam Damodar Kadlag, Senior Police Inspector & Sh. Kishor Natthu Gharate, Police Inspector, LA-2 Police Head Quarter, Tardeo, Mumbai, Sh. Swapnil Prabhakar Pol, Sectional Engineer (PWD), Dr. Sachin S Chaplwar, Dr. Mohsin Ahmed Shaikh & Dr. Y M Kokadwar doctors of the jail hospital attended the meeting.

The Hon'ble Member inspected the barracks, hospital, kitchen, toilets etc to determines the human rights situation of the inmates. The inspection and review of activities of the prison was conducted to see the human rights standards and the directions & guidelines of the National Human Rights Commission on the basic rights of prisoners in letter and spirit. During the visit the member and the DSP interacted with the inmates, learnt about their problems and also asked them to submit their grievances, if any. The prison authorities were sensitized about the need to take immediate steps to address the problems that had come to the notice during the visit.

Mumbai Central Prison, also widely known as Arthur Road Jail, was established in the year 1925-26. It was accorded the category of a central prison in 1972. The Hon'ble Member visited the kitchen of the prison, video conference room, the maximum security ward (also known as Anda (Egg) Cell) because of its oval shape, other barracks and the prison hospital.

The Jail Superintendent stated that the Additional Commissioner of Police (Local Armed Guard) and his officials are responsible for providing escort/guard to Central Prison, Mumbai. Among the issues that were discussed in detail during the meeting were provision of police escorts and overcrowding problems.

2. PRISONERS' PROFILE

The prison houses a variety of offenders ranging from organized criminals to economic offenders, drug-traffickers, robbers, dacoits, known public figures, etc. Thus, a variety of criminals reflecting the Mumbai crime scene are housed in the Mumbai Central Prison. The under trial prisoner are lodged in the prison. However, some prisoner, who have been convicted in one case and undergoing trial in another case, have been convicted less than one year imprisonment are also lodged in the prison.

The prison is grossly overcrowded. As on 25/05/2017, there were 2801 inmates and as on 26/05/2017 the strength was 2799 as against its actual sanctioned strength for 804 (Annexure--A). Due to this overcrowding, the most elementary rights of the prisoners, the minimum need of living space, clean and hygienic living conditions and proper bedding was found adversely affected.

The prison has 106 prisoners who are foreigners. Interaction with some of them revealed that they are mostly lodged in the cases of cheating and offences under the NDPS Act. Some of the prisoners complained about not being taken regularly to courts for trial of their cases. When the prison authorities were asked about this problem, they explained that on some occasions it is not possible for the under trials (both Indians as well as foreigners) to be taken to courts because of lack of police escorts. However, timely requisition is being given to the local police for providing adequate escort. Detail of the requisition from January to April 2017 regarding requisition of police escort and escort made available by the local police has been shown in Annexure--B.

3. KITCHEN: RIGHT TO FOOD

Chapati making machine was not available in the kitchen. The jail Supdt. stated that they have sent proposal for chapatti making machine, rise boiler, refrigerator and floor making machine to the head quarter. The prison authorities showed us the lunch that had been prepared and kept in a wooden box. Each prisoner gets a diet as per the provision made in the prison manual. There is a slight difference in the quantity of food given to an under trial compared with that given to a convict. A convict gets a little more food. There are only 65 convicted prisoners in the prison as on 25/05/2017 (Annexure--A). Most of them work in the kitchen. According to the prison authorities, the prison is meant only for under trial prisoners. Only such convicted prisoners who have been convicted in one case and undergoing trial in another case, and those who have been convicted for a short term are kept in this jail for the purpose of cooking. They are supported by UTPs in the kitchen work. Inmates who have to be produced in various courts during the day get their packed lunch. In jail kitchen 47 prisoners are working. They were last medically examined on 18/05/2017. The food is tested by the prison doctor before being given to the inmates. Though the kitchen was washed and cleaned, but a certain foul smell was found there. The kitchen also has a small flour mill and a separate place for storage of food grains, vegetables and other miscellaneous items. Usually only vegetarian food is cooked and served to the inmates. However, on the occasions of Bakri-Id, Christmas, Easter and Holi, non-vegetarian food as well as sweets are also served. Inmates are generally happy about food in the jail.

4. HOSPITAL: HEALTH CARE

The prison's hospital has a sanctioned strength of 04 medical officers including 01 Ayurvedic medical officer. At present, 04 medical officer/doctor, 04 nursing staff, 02 pharmacists/compounder, 01 lab technician are posted in the Hospital. As of now, there are 56 indoor patients including 20 TB patients, 02 cancer patients and 04 of neurology patients admitted in 02 rooms of the Hospital. The TB patients are kept separate from the other patients. On 25/05/2017, 13 HIV patients were admitted in the jail. Prisoners admitted in the hospital are provided medical diet.

Initial health screening test of inmates at the time of admission is being done in the prison as per the format prescribed by the NHRC.

Facilities for conducting blood tests are available in the jail hospital but due to non availability/posting of technician these test could not be undertaken. However, sugar, sputum for AFB, and HIV tests are done. For conducting blood test, patients are sent to outside the jail hospitals. Jail doctor informed that one technician has been recruited on 05/05/2017 but he has not joined duty in the jail hospital

X-ray machine is available in the hospital since 16/03/2016. The jail Superintendent stated that there is no space in prison for installation for X-ray machine, for that dark room is required. He further stated that he had communicated with PWD office for construction of the dark room. He also told that medicines are supplied by the Govt. medical Depot and Haffkine institute as well as locally purchases. Ample stock of medicine is available.

Interaction with admitted prisoners revealed that they have been referred to higher medical institutions. However, sometimes they could not be sent because of lack of police escorts.

5. VIDEO CONFERENCING

Two video cameras are installed for video conferencing. However, it is used only for remand purpose, and not for the purpose of trial. Inmates are produced before the learned Magistrates through this electronic technique.

An advancement in the present system is also in the offing wherein the inmate being produced through video-conference will be able to see both the judge as well as his lawyer.

Use of this facility depends on the judges. In April 2017, 782 inmates were produced before courts through video-conference. Total number of prisoners produced before Courts during last three months i.e. from Feb, 2017 to April, 2017 has been shown in Annexure-D.

6. ACCOMMODATION: YARDS/ CIRCLE/ BARRACKS/ CELLS

Accommodation for inmates is severely insufficient. There are 15 Barracks in this prison where the prisoners are kept. Barrack No. 13 is being used for new prisoners coming from Court or under trial prisoners who had gone to the Court. Barrack No. 14 and 15 are used for the hospital.

There is a barrack called the 'After Barrack'. This is meant for keeping newly admitted inmates who come to the prison when the other barracks are closed as per the opening and closing schedule (6.45 am opening and 5.30 pm closing). In the 'After Barrack', they are sorted and sent to different barracks/cells. Care is taken by the jail authorities not to bunch members of rival gangs together in order to keep peace among inmates.

The prison authorities have also kept foreign inmates in a separate barrack because they do not tend to get along well with Indian inmates. The barrack above the 'After Barrack' houses foreigners.

During the visit of the barracks, the NHRC team noted that all the Barracks were overcrowded with inmates. During inspection the inmates complained that there was not enough space for them to sleep. They are exposed to rainwater that comes through the iron bars. These conditions are not at all satisfactory.

The prison has a regular court waiting room/court shed where inmates who are going to be produced in the courts wait. Staff quarters are also inside the prison premises.

There is a western-style toilet in every yard.

7. RIGHT TO HYGIENE AND SANITATION

There are 431 toilets, out of which 56 are inside the barracks. The toilets are made keeping in view of the actual sanctioned strength i.e. 804. However, the actual present strength is around 2800. Renovation of toilets are being done by the PWD. 40 toilets inside the barracks have already been renovated and remaining are being now renovated.

8. INTERACTION WITH INMATES

Inmate Budheswar Thakai Mehto stated that he was minor at the time of arrest. He also stated that Court had granted him bail 2 years back but due to failure of deposition of bail bond he could not be released. He was arrested u/s 302 IPC.

Inmate Jayesh Ram Pawar stated that he was arrested u/s 376 IPC but he was minor at the time of arrest.

Inmate Mohd. Rahim stated that on 15/05/2017 the Court had granted him bail on Rupees 15,000/- but he could not produce surety.

Inmate Tagore Chand Miyan Sheikh stated that on 22/05/2017 the Court had granted him bail on Rupees 7,000/- but he could not produce surety.

Inmate Mukesh Tikaram Shrestha stated that he has not been produced in the Court on last 3 dates i.e. 28/04/2017, 12/05/2017 & 25/05/2017. He is an accused u/s 420 IPC.

Inmate Mohd. Dilshad Niyaz Khan stated that he has not been sent to Court during last 4 months.

Inmate Dilip Radhy Shyam stated that he has not been sent to Court during last 2 months.

Inmate Mohd. Javed Alam UT No. 903 stated that he was arrested u/ 354 IPC and lodged in the jail for last 1½ years. He has no advocate and because of that he could not take up his case. In this case, the jail Supdt. has written a letter to Secretary, District Legal Aid Service Authority, Mumbai when the UTP requested during the interaction on 25/05/2017 (Annexure – E).

9. OBSERVATIONS

- (i) The prison is grossly overcrowded. As on 25/05/2017, there were 2801 inmates as against its actual sanctioned strength for 804. Due to this overcrowding, the most elementary rights of the prisoners, the minimum need of living space, clean and hygienic living conditions and proper bedding was found adversely affected.
- (ii) The Barracks of the jail were also seen to observe how prisoners manage to sleep despite the lack of space. It was observed that the prisoners sleep in three rows: two rows towards the walls of the barrack and one row in the middle. The prisoners were sleeping with their bodies touching of each other's. The prisoners cannot turn right or left and are forced to sleep in the position occupied at the initial stage.
- (iii) All barracks are 92 years old. Considering the various pros and cons and going by the long life of the building repair work will be risky and cost ineffective too. Wood work is also outdated and have developed cracks at many points. Their repair is expensive, tiresome, risky and difficult. Barracks/buildings are outdated and unsafe and may have total collapse at any point of time. The only alternative is demolition of the existing structure though one by one in phases and to go in for a new construction.

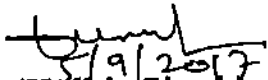
- (v) There is no power back up. The Jail Supdt. stated that there is no requirement of power back up because 24 hours uninterrupted power supply is given in Mumbai.
- (v) Most of the inmates reported that due to the shortage of police escort, they are not produced before their respective courts despite having hearing dates. It is alleged that the period for which they are not produced may extend from one month to four months. If true, this is an alarming situation that violates the right to speedy trial.
- (vi) Toilets constructed outside the barracks do not have water facility, as a result UTPs have to take water from outside while going to call for nature. This is unsatisfactory. Each toilets should have water as well as flushing facility.
- (vii) Vocational training are being given only to the repeater or the prisoner who is less than 30 years of age but not to the other UTPs due to shortage of space.
- (viii) Meditation, Murli Path and Vipasana classes are being held with the help of Art of living and Brahmakumari.
- (ix) Tiles of kitchen are broken and plaster of wall removed at some places that need repairing.
- (x) There is no RO in the kitchen. The facility of RO should be made available in the kitchen.
- (xi) The Supdt. Jail has submitted a report regarding the prisoners who have got cash/surety/security bail till 25/05/2017 from the Concerned Court but could not produce the security/surety/cash by the prisoners till the date. The report reveals that a total number of 87 prisoners could not provide cash security and 61 prisoners could not produce surety. These prisoners are still lodged in jail from 14 days to 04 months despite bail (Annexure – C).
- (xii) Medical examination of UTP is being conducted on his entry in the jail.
- (xiii) Bed stand in the hospital is inadequate. There are only 30 beds for UTPs but at any point of time 40/50 patients are admitted in the hospital as a result some of the patients keeping lying on the floor in the hospital ward. Chronic patients are not admitted to the hospital. They are sent to JJ hospital Mumbai.
- (xiv) There is an auto analyzer in the jail hospital but the same is lying in disuse as the post of lab technician is lying vacant for last three years. Also facilities for conducting blood tests are available in the jail hospital but due to non availability/posting of technician these test could not be undertaken. However, sugar, sputum for AFB, and HIV tests are done. For conducting blood test patients are sent to outside the jail hospitals. The Incharge of Jail hospital informed that one technician has been recruited on 05/05/2017 but he has not joined duty in the jail hospital.

- (xv) The Jail Superintendent stated that the present strength of the jail staff is not sufficient to handle the actual strength of the prisoner. He further submitted that the staff should be made available as per the report of Mulla Committee.
- (xvi) It was observed that the prison authorities have maintained good relation and rapport with the inmates. Their behavior towards the inmates is caring and compassionate.

10. Recommendations

- (i) The Secretary Health, Maharashtra, Mumbai may transfer adequate number of lab technicians and other para medical staff against vacant posts at Central Jail Mumbai after calling a report from the Supdt. Jail in this regard.
- (ii) The Commissioner of Police Mumbai may be directed to provide suitable number of police personnel for police escort so that the prisoners could appear in the Court on hearing dates.
- (iii) The Secretary Home, Govt. of Maharashtra, Mumbai may submit a report regarding the prisoners who have got bail on the basis of cash/surety/security from the Concerned Court but have not been able to produce the security/surety/cash. The report submitted by the Jail Supdt. in this regard reveals that a total number of 87 prisoners could not provide cash security and 61 prisoners could not produce security till 25/05/2017. These prisoners are lodged in jail from 14 days to 04 months. State Government must carry out a scrutiny and all such UTPs who can be enlarged on bail on personal bounds, they may be advised to move the competent Court accordingly either through their counsel or through the District Legal Service Authority.
- (iv) The DG (Prisons) may submit a report on the following observations made during the enquiry:-
- (a) The prison is grossly overcrowded. As on 25/05/2017, there were 2801 inmates as against its actual sanctioned strength for 804. Due to this overcrowding, the most elementary rights of the prisoners, the minimum need of living space, clean and hygienic living conditions and proper bedding were found to be adversely affected.
- (b) The Barracks of the jail were also seen to observe how prisoners manage to sleep despite the lack of space. It was observed that the prisoners sleep in three rows: two rows towards the walls of the barrack and one row in the middle. The prisoners were sleeping with their bodies touching of each other. The prisoners cannot turn right or left and are forced to sleep in the position occupied at the initial stage.

- (c) The jail staff is not sufficient to handle the actual strength of the prisoners. State is directed to inform as to whether the compliance of Mullah Committee report regarding the man power required at the jail has been made.
- (d) Facilities of Advocate/Legal Aid Services (free of cost) be made available in case where an under trial prisoner is not capable to hire an Advocate as this is the legal right of under trial prisoners.
- (e) All under trial prisoners who are stated to be between 18 to 21 years of age should be medically examined to determine their actual age.
- (f) Tiles of kitchen are broken and plaster of wall is removed at various places that need repairing.
- (g) There is no RO in the kitchen. The facility of RO should be made available in the kitchen.
- (h) All barracks are 92 years old. Considering the various pros and cons and going by the long life of the building, repair work will be risky and cost ineffective too. Wood work is also outdated and had developed cracks at many points. The repair being expensive, tiresome, risky and difficult and barracks/buildings being outdated and unsafe which may collapse at any point of time, the only alternative is demolition of the existing structures though one phases and go in for construction of a new jail.
- (i) Toilets constructed outside the barracks do not have water facility, as a result UTPs have to take water from outside while going to call for nature. This is extremely unsatisfactory immediate modernisation of the toilets be carried out so that the toilets have water and also flushing facility.


(Kulbir Singh)
Dy. Supdt. of Police

PS to Hon'ble Member (Sh. S.C. Sinha)