

VISIT REPORT NO. 27 /VR/SZ-1 OF 2017

**REPORT
ON VISITING**

GOVERNMENT DISTRICT JAIL ERNAKULAM

**BY
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In accordance with the tour programme approved as per NHRC Ref No **16(4)/2016-Coord** Dated: 20.4.2017, I visited the Government District Jail Ernakulam on 29th April 2017. The Superintendent Sri V Jayakumar along with Welfare Officer Sri George Chacko and Medical Officer Dr Soumya were present during my visit. All of them were extremely helpful in facilitating the visit.

2. The purpose of visit was to ascertain the condition of the prisoners lodged in the District Jail.

3. This institution functions in a 5 acre Campus at Kakkanadu, Ernakulam and is a newly built one, having been inaugurated on 12th August, 2010. Compared to other Jails, the buildings are fairly new and modern in construction. On the day of the visit, there are 198 inmates of which 14 are convicts. The sanctioned capacity is only 132. **Hon Commission may consider this and suggest to Government to construct more Blocks to accommodate prisoners. (SUGGESTION 1)**

4. The design of the Jail, though it is built fairly recently is not conducive to either good management or effective administration. The gate opens on to a very busy main road. And there is no room or checking place immediately as one enters the jail. One has to walk quite some distance before one can reach a covered structure where one can be subjected to some kind of verification or body search. The design also makes the duties of the sentry doubly difficult. I feel it is essential that a guard and checking room is constructed contiguous to the main gate so that access control is rendered much easier. **Hon Commission may consider this and suggest to Government to construct the suggested facilities (SUGGESTION 2)**

5. Besides the Superintendent, there is sanction for 1 Dy Supdt, 1 Welfare Officer, 1 Medical Officer, 6 Asst Supdts Gr I and II, 2 C P O, 3 Gate Keeper, 8 Dy Prison Officers, and 22 Asst Prison Officers. There is 1 Pharmacist, 2 clerks and 1 UD Typist. 9 posts from among the above are lying vacant. Considering the present number of prisoners accommodated here, the strength of staff posted sanctioned is insufficient. The vacancy position makes it worse. **Hon Commission may consider and suggest to the Government to sanction posts in conformity with standard guidelines fixed as per local requirements, security needs and welfare requirements (SUGGESTION 3).**

6. The facility for use of mobile phone is not given to the inmates. But they have a landline booth facility which they can use for contacting their friends and relations.

7. Metal detectors and CCTV systems are also in place in the premises. Sometimes the inmates smuggle objects inside while they return from court appearances. Sometimes visitors can bring them inside. Physical checking has some limits prescribed by decency and the risk of humiliating innocent persons who may not be carrying anything. **It is suggested that the Hon Commission may direct the State Government to examine the possibility of purchasing and issuing whole body digital scanners / seat scanners for use while checking entry from outside, changing from the present manual checking mode. (SUGGESTION 4)**

8. It is pointed out that most of the persons who gets recruited as Asst Prison Officers leave the prison service as soon as they get selected to some other service. It

was pointed out to me that they do so even when the salary scales of the new option is lower than that of the Asst Prison Officer. This matter requires attention.

9. I also find that for all the three Blocks only one member of the staff is available during the night. This is severe understaffing and occasions the potential for major trouble if some emergent situation happens in the night. The District Jail caters to the needs of the important city of Kochi and there is no Central Jail in the City. Adequate staffing of prisons in the night is a must and the norms must suitably be revised. When staff strength is minimised as a matter of financial economy, then, if an emergency develops, several different tasks will need to be performed simultaneously. The solitary person available will have to rely on the prisoners themselves to help them. The fact that nothing untoward has happened so far is no guarantee that it will remain so in future. Proper acceptance of the ratio 1: 6 and introduction of shift system etc have to be thought of, if the system is to be truly modernised.

10. It is also found that there is no system regular pre-induction training for staff. The personnel join duty in jails and while they are doing duties they are sent for training. It is necessary that members of a uniformed service get proper training before they are put on their jobs. Reversing the natural order is deleterious to good order and discipline. The present practice forces new personnel to learn the job on their own while on active duty and to neglect the formal training they receive later on after they have already learned how to do duties in a jail.

11. It is also seen that some of the accused lodged in this jail are accused in UAPA cases. Whether the staffing and security provisioning of this Jail is sufficient to guard against penetration by extremist and militant elements is a relevant question which the jail administration has to address. There does not seem to be an effective police guard also in the premises. Allowing such accused to develop contact with the members of the underworld by keeping them here is also a matter to be pondered over.

12. There are several income-generating schemes which are well run in the Jail. The pride of place goes to the chapatti cum ghee rice making Unit which a profit of Rs 12 lakhs is made. This is an excellent initiative. The prisoners themselves

enthusiastically participate in these welfare activities and this has become a good source of income for the prisoners. Such activities deserve all encouragement.

13. During the visit I looked into the general systems of the prison and the general conditions relating to standards of accommodation, food etc of the prisoners and they were found to be generally satisfactory except that the rooms are extremely congested and overcrowded. In the heavily-humid conditions prevailing at the time of the visit, the accommodation provided would have been depressingly uncomfortable. It is necessary that additional blocks are built as early as possible to tide over the situation. I

verified the total space availability with the officers present. The total area of the three blocks is only 358 sq metres of which leaving bathrooms, only 323 sq metres are available for accommodation. At 40 sq ft per person (3.72 sq m), this area can accommodate only 87 persons or so. On the day the visit there were 192 persons

imprisoned here. From these figures, one can readily understand the spatial congestion about which every prisoner whom I asked had complained.

14. In the last 5 years, 3 persons have died while undergoing imprisonment. On 12-8-2012, one Babu died of heart attack while undergoing treatment in a hospital. On 29-12-2013, one Mony died in hospital to which he had been removed shortly after his admission on 28-12-2013 evening to the jail. On 2-2-2017, one Kannan s/o Chellappan died at MCH Kottayam due to liver cirrhosis. In the last instance, I find that the post-mortem report is still not received. Action needs to be taken to obtain it immediately.

15. During discussions with officers of the Prison It is brought to notice that it is difficult to get police personnel for escort duty outside jail premises. This is particularly true of hospital escorts. This again is a general problem affecting the prison system and a solution has to be found at Government level by providing adequate staff for this. There are several instances in which police have regretted inability to give medical escorts due to lack of strength. It is suggested that the Hon Commission may direct the State Government to ensure that sufficient police strength is made available to the prison authorities to take prisoners to the hospital, treating this as a special priority.
(SUGGESTION 5)

16. There is also severe water shortage at the premises and urgent steps are necessary to ensure that water is readily available at the premises. **(SUGGESTION 6)**

17. Dr Alexander Jacob IPS, DGP Retd has been reportedly appointed to look into improvements in the prison system. It is suggested that the institutional problems referred to by me may also be brought to the notice of that one man committee by the State Government. **(SUGGESTION 7)**

18. I also spent time listening to the grievances of persons.

19. There is a complaint box kept in the premises and it is taken to the court of the District Judge every month. The process is going on regularly and prisoners must be encouraged to write their complaints to the judge, particularly those relating to unfair implication in cases, prolonged imprisonment without trial etc. Quite a few prisoners come up with protestations of innocence and improper implication by the police but this matter can be looked into only by the judicial magistracy alone as the cases are pending before them.

20. Aneesh of Alangad complains that in CC1744/15, a case of Town North P.S. he is implicated as an accused in a case of belonging to a gang of thieves. He is of very small stature physically and to all appearances he appears as a mentally deficient person. The genuineness of the accusation against him is to be seriously doubted. **It is for consideration as to whether the Hon Commission may direct the State Government to have the matter looked into by a senior police officer. (SUGGESTION 8)**

21. RP 9048 Joseph of Panampally Nagar says that he has none to take him out on bail and that police have not yet returned a gold chain on 3 sovereigns taken from him at the time of arrest for being involved in a boundary dispute matter. Cr No 562/17 u.s. 324 etc IPC of Ernakulam South P.S. **It is for consideration as to whether the Hon Commission may direct the State Government to have the matter looked into by a senior police officer and to direct that the trial of the case be expedited because he is in remand.(SUGGESTION 9)**

22. RP8913 Sivadasan also complains that he has none to bail him out. It is for consideration as to whether the **Hon Commission may direct the State Government to**

take steps to see that the trial of the case in SC 134/17 of Addl Sessions, North Paravoor be expedited because he is in remand. (SUGGESTION 10)

23. RP 7680 Sunny Thomas has been under custody for many months. His case is committed for trial but trial has not begun. Cr 795/16 of Ernakulam Town North committed to SC Ekm. He has not been produced in court after December last year. It is for consideration as to whether the Hon Commission may direct that the trial of the case be expedited because he is in remand. (SUGGESTION 11)

24. RP 8903 Sherin complains that he is not produced in court because of lack of police escort. It is for consideration as to whether the Hon Commission may direct the State Government to have the matter looked into by a senior police officer. (SUGGESTION 12)

25. In the individual grievances enumerated above, the Hon Commission may consider and take appropriate decisions on the suggestions made. In individual instances there is considerable difficulty in looking into many factual and disputed matters which fall solely within the discretionary competence of the police and the judiciary. So the scope for detailed consideration of the grievances by other means during a visit is very limited.

(SUGGESTION 12)


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