

## REPORT ON VISIT TO DISTRICT PRISON, JAMNAGAR ON 22-05-2018

---S, Jalaja Special Rapporteur

### Profile of the district

Jamnagar District is located on the southern coast of the Gulf of Kutch in the state of Gujarat. According to the 2011 census the district has an area of 14,184 sq.kms and a population of approximately 22 lakhs.

### Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 4247 crimes Jamnagar district stood 182nd in all crime records in the country in 2013. The district reported a crime rate of 196.61 compared to National crime rate of 218.67.

### Jail Profile and history

District Prison, Jamnagar was established in by the then Raja of Jamnagar in 1901.

### Land and infrastructure

The prison has an area of 60411.29 sq.ms out of which jail buildings occupy 30563 sq.ms; habitations occupy 2134 sq.ms; open space is around 27724.29 sq.ms.

Prison infrastructure comprises of the Administrative block, 21 barracks and 37 cells, 08 high security cells, 02 female barracks, jail hospital and kitchen .

### Manpower

According to approved staffing pattern for the prison, the jail has a sanctioned strength of 111 personnel, but the actual strength reported was only 78, with 33 vacancies. The post of Superintendent is filled up. Among the medical staff, posts of 02 Medical Officers are filled up. The post of Pharmacist is vacant. It is a matter of concern that the jail functions without having adequate staff to man it. All existing vacancies need to be filled up on priority.

### Jail capacity and occupancy

Against a sanctioned capacity of 466 prisoners (M-456 M; F-10), 414 prisoners (401 male and 13 female) are lodged in this prison.

### **Category-wise details of prisoners**

Out of 414 prisoners, 66 prisoners (65 male; 01 female) are convicts; 318 (306 male; 12 female) are under trials and 31 are Detenues (all male). 02 children (both boys) were staying with their mothers. It is reported that no extremist prisoners are lodged in this jail. 01 Pakistani (actually Indian married in Pakistan) who came to India was arrested and was jailed. The circumstances in which he was arrested and kept in jail ought to be looked into by the prison administration in consultation with the MĒA, if necessary.

**Under-trial Prisoners** Under trial prisoners constitute almost 73 % of the prison's population. As per data provided by the prison administration regarding length of stay of under trial prisoners, 14 under trials (2012) have spent five or more years; 04 prisoners (2013) 04 or more years; 32 prisoners (2015) 03 years or more; 38 prisoners (2016) 02 years or more and 73 prisoners (2017) one year or less.

As per reports under trials are being produced before courts regularly. Some were produced before courts through video-conferencing facility.

Petty cases ought to be placed before the CJM for disposal. *Lok Adalats* needs to be activated. Sec 141 CrPC ought to be strictly followed by the police which could regulate UT population.

### **Mentally ill prisoners**

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. 04 male prisoners (Suresh Gorghan, Rajak Anwar, Chetan Kasyagi and A. Rajak) and 01 female prisoner (Sheetal Prakash) were identified as suffering from mental illness. 03 prisoners are being given only medicines, but in one case treatment is being provided by a visiting psychiatrist.

Periodic screening of both male *and female* prisoners ought to be conducted with the help of a team from nearest Mental Hospital.

### **High Security Cells**

There are 08 High security Cells in the jail. Only two were occupied. One Cell was occupied by Chetan Kayani booked U/S 376 IPC for raping his own daughter and the other by A. Rajak who was mentally ill.

### Condition of prisoners.

Male prisoners are housed in 06 barracks earmarked for them. I visited Barrack numbers 03&04. Barrack No.03 is somewhat small and has a sanctioned capacity of 14. 08 prisoners are lodged here. The barracks having two windows were well lighted. They were kept clean. Lights and fans were in working condition. The barrack has 01 toilet for night use. Water was available for use in toilets. But the toilet was not kept clean. 06 toilets and bathing space are available outside. Articles of daily use are being supplied. A TV set has been installed.

Barrack no.4 had a sanctioned capacity of 34 prisoners against which 40 prisoners are lodged. It was stated that since all of them were observing Roza (Ramzan) they were kept in the same barrack. With 04 windows the barrack had sufficient ventilation. Lights fans were in working condition. Adequate number of toilets were seen provided. Articles of daily use have been supplied. A TV set is installed for entertainment.

I went around the different blocks and had interactions with some of the inmates. Undue delay in finalizing their cases appears to be a cause of worry for the prisoners. The matter too could be placed before the Committee headed by the District judge with DM and SP as members for review of their cases.

### Women Prisoners

Women prisoners are seen lodged in a separate enclosure, which was large and spacious. The buildings were very old. The barracks comprise of two halls with a sanctioned capacity of 10 each. 13 women are accommodated in all. 02 children were also staying there.

The floors of the halls were paved with Kota stones. Both halls were well ventilated. Lights and fans were in working condition. Each hall has a bathroom and toilet each. They were not maintained properly and need to be renovated. There were no toilets outside, but only an area for washing clothes. The entire

place is kept clean and neat. Bedding, clothes and articles of daily use have been supplied. A TV set is seen provided.

It was stated that Anganwadi workers deputed by the District Panchayat, Jamnagar attends to the children. Although space for an Anganwadi is available it was not functional as sufficient number of children are not available. Special diet is given to children. Toys and educational materials were seen provided to the children by an NGO. Children are vaccinated in GG Hospital.

No vocational training is currently seen organized for the women. Training in beauty treatment is to be started shortly.

I spoke to some of the women prisoners. Sohna Ben 30 is in jail since 17th April, this year. She has a boy of 01 year with her. Her husband who is the main accused is also in the same jail. The case against her is registered u/s 395/397 IPC. She confirmed that they were getting legal assistance. Sital Ben 27 came on 23-2-2018. She has a 3 1/2 year old child with her. She is booked u/s 392 IPC in a case in connection with the death of a child. She denied her involvement and stated that the child had fallen into a well. She confirmed that legal assistance was available. Palu Ben 40 is also stated to be involved in a murder case. She came to the jail on 10th may, 2018. The women did not make any complaints; only that they all wanted to go back to their homes.

### **Video- Conferencing**

Video-conferencing facility is available. At present it is connected to courts in Jamnagar. 20 prisoners are being produced daily before the court using the facility. As per report, 114 male and 03 female prisoners were produced before the court in the month of March, 2018. 129 male and 03 female prisoners were produced before the court in April. The number of productions and the quality of utilization need to be maximized. The facility ought to be connected to other courts as well.

### **Legal aid**

District Legal Services Authority (DSLTA) is stated to be active. It was stated that legal aid is sanctioned as per rules. Male and woman Advocates from DLSA visit the jail once a week and provide counseling. No Para- legal volunteers have,

however, been trained. As per report of jail administration, 19 prisoners were provided legal aid.

### **Sanction of bail**

It was stated that petty cases are disposed of by the CJM. In cases wherein prisoners who have received bail but are languishing for want of security, it was pointed out that the CJM has been releasing them on personal bonds. 07 cases were disposed of in the previous month by the CJM.

### **Lok Adalat**

Institutional arrangements for conducting Lok Adalat are not available in the jail, whereas in states like of Tamil Nadu and Telangana it is being efficiently utilized to reduce under trial population.

### **Custodial Deaths /violence**

It is reported by jail authorities that no unnatural custodial deaths were reported in the jail in the last 5-6 years. 03 deaths were reported in 2016, and 01 death in 2017 due to natural causes. The prisoners died in GG Hospital. No death was reported in 2018. No custodial violence was reported in the jail.

### **Escape of prisoners/jail break**

It was stated that no such incidents were reported in the jail.

### **Basic amenities**

#### **Water supply and Sanitation**

Water for use of prisoners/prison staff is supplied by Jamnagar Municipal Corporation. In addition two tube wells are available. Although RO system is installed for the supply of safe drinking water to all prisoners it is reported to be non-functional. A proposal for installing a new one is under consideration. ANC ought to be executed in respect of all equipment purchased. For providing safe drinking water to the entire prison an RO plant ought to be installed (as in Tamil Nadu prisons) if need be, with the help of industrial houses, under CSR. As far as sanitation facilities are concerned every barrack has cage toilets for night use and

adequate number of toilets for daily use. 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 stated to be generally available in the jail. Two generators are installed as back up.

### **Food supply**

The jail kitchen is located in a separate block. The kitchen building is quite old. The kitchen, unlike in other prisons, is not very large. Exhaust fans are fitted on the walls. LPG facility is available. Cooking is done with pipe water supplied by the Municipal corporation. Rotis were being made with the help of a Roti maker. Dal and vegetables are cooked in another room. Prisoners who work in the kitchen stay in two rooms within the kitchen premises. 23 prisoners are said to be working in the kitchen in two shifts. Unskilled laborers are paid Rs 70/-; semi-skilled Rs.80/- and Skilled Rs.100/-per day. The wages are directly deposited into the account of prisoners; convicts are permitted to spend up to 50%..

### **Education**

Prison administration reported that 90% male and 70% female prisoners are literate. Jail authorities ought to ensure that a program in mission mode is taken up periodically to make all prisoners literate. Many of the under trials stay in jail for long periods. They ought to be included in basic literacy programs, however short their stay be. Currently prisoners are taught by volunteers among themselves. Reputed NGOs could be involved in running these programs.

Basic education is provided to prisoners through literacy campaign and higher education with the help of Indira Gandhi Open University and Baba Saheb Ambedkar University.

### **Health care**

No proper jail hospital is seen set up in the jail; instead only a dispensary having two beds for emergencies is available in the jail campus. It is located in an old building. One physician and two Medical Officers are posted. A Gynecologist visits the jail. Male and female OPDs are run by the doctors. No separate isolation

ward is available, instead, space within Cells are utilized for keeping prisoners with communicable diseases in isolation. No technicians are posted for handling X-ray equipment, Sonography and ECG.

Common problems reported among prisoners were scabies, upper respiratory tract infections. Prevalence of Diabetes is said to be rare among the prisoners. Special diet is provided to sick prisoners.

In emergency prisoners are taken to the local Government hospital. An ambulance is available for transportation. it was stated that there was no problem in getting police escort. No AYUSH facilities are seen provided.

### Parole /Remissions

Parole is sanctioned by the District Magistrate for a period up to one month. IG Prisons sanctions furloughs. As per report 08 temporary bails, 23 furloughs, and 57 paroles were sanctioned in 2017-18.

### PCOs/Telephone facility/waiting room/visitors

Communication with family members is very important for prisoners. Telephone facilities/PCOs are available to prisoners in the prison. Separate facilities are available for women prisoners. Prisoners are allowed to use the facility thrice a week for 05 minutes each..03 booths are set up for male prisoners and one for females.

A separate visitor's room is set up for prisoners' meeting with visitors .Only one visit per week is permitted for under trials; 04 visits per month for convicted prisoners and twice a month for *detenues*. Each visitor is allowed 20 minutes per visit.

### Board of visitors

It was learned that a Visitor's Board has been constituted in the jail which visits the jail once in three months. The Board Members reportedly visited the prison in April, 2018.

Meeting of the Core Committee chaired by District & Session Judge is held once in three months. Jail Visitor Board meeting is held under the chairmanship of the

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District Magistrate once in three months. Besides, the Jail Advisory Committee meetings are also held regularly.

### **Complaints Management**

It was stated that the District and Sessions Judge and the CJM visit the jail once a month and listen to complaints from the inmates. Further, complaint boxes have been installed in every block to receive complaints from prisoners, to be opened in the presence of the District and Sessions Judge and the Additional Director General of Prisons. Superintendent of the jail listens to the complaints on every Monday and Tuesday.

### **Library**

The jail has a library with a collection of 8000 books .

### **Cultural programs**

It was learned that cultural programs are organized in the jail from time to time with the help of NGOs..

### **Sports**

Outdoor games like volley ball and badminton are organized. Indoor facilities for playing chess and carom are stated to be available. Sport activities are also organized from time to time.

### **Religious activities**

It was stated that prisoners are allowed to follow their own religious practices.

### **Yoga/Gym**

It was reported that facilities for Yoga practice are available. Yoga camps and yoga teaching are being organized with the help of reputed voluntary organizations like Sri Sri and Patanjali Yoga.

### **Jail Canteen**

Canteen facilities ought to be provided to the inmates in the jail so that articles of daily use, food items, stationery etc are available to prisoners.



### Vocational Training and employment

Facilities for vocational training are available in the prison in items like Carpentry, Agriculture, compost - making etc..

**Drug De-addiction program** No Drug De-addiction Program as such is being organized in the jail. However, it was pointed out that any prisoner with drug addiction is admitted preliminary treatment is provided by the jail doctor and there after referred to the GG Hospital for further treatment.

### Role of NGOs

It was stated that services of Non Governmental Organizations (NGOs) are being utilized in various activities by jail administration, including organizing various festivals, Yoga and medical camps. Patanjali Yoga Vidypith, Brahmakumatis, Vanitaben Charitable Trust, Jamnagar, Halari Memon Jamat, Jamnagar, Sri Siddhi Mahila Mandal are some of the NGOs engaged in jail activities.

**Inspections** It was stated that regular inspections are conducted by District and Sessions Judge as well as by the CJM. Inspections are also stated to be conducted by senior prison officials. It was reported that inspection was conducted by DGP (P) in 2017-18.

### Security

The jail is guarded by a team of Special Reserve Police (SRP) and prison Guards- outside security is managed by SRP and internal security by the jail staff. The compound wall is protected by live wires. However, no towers are seen set up. Security equipment like Hand Metal Detector, Door Frame Metal Detector, X-ray scanning machine and other gadgets are stated to be available. It is important to have Annual Maintenance Contracts (AMC) with supply agencies so as to ensure that they are in working condition. All CCTVs installed were stated to be in working condition.

### Solar Lighting/water harvesting

Many jails in the country have shifted to the use of alternate energy for a variety of purposes. Solar lighting and solar water heating have not yet been introduced in the jail. It appears that not much attention has been paid to having water harvesting

facilities in the jail. Water harvesting and recycling of waste water ought to be taken up on priority by constructing soak pits and other water harvesting facilities, wherever feasible.

### **Training**

It is learned that regular training programs are being organized for prison officials and staff by prison administration of the state.

### **Budget**

It is seen that budget allocation for 2017-18 reported was Rs. Rs.2,85 crore against which the full amount was shown as expenditure. In 2017-18 budget allocation reported was Rs.4.40 crore and the entire amount was stated to have been spent. It was confirmed that funds allocated are sufficient for jail activities.

### **Modernization**

It was stated that as a part of modernization it is proposed to install an RO plant, reconstruct the women's section, construct security wing, renovate prisoner's barracks and construct new staff quarters. Administrative sanction for the works have been received. It is, however, seen that no attempt has been made to introduce new technologies in jail administration.

### **Jail Manual**

It is seen that jail administration in Gujarat is governed by the provisions of the Bombay Prison Manual. It is yet to enact a comprehensive Model Prison Manual based on the one circulated by the Home Ministry.

### **Observations & Recommendations**

Observations and suggestions have been noted under different items in this report. For convenience they are listed below.

Established in 1901 District Prison, Jamnagar is one of the oldest prisons in Gujarat.

#### **2. Infrastructure**

Infrastructure of the prison is very old. The jail hospital, women Prisoner's block, jail kitchen etc are located in very old buildings. A comprehensive plan ought to be made for having new buildings for the jail. At least the new structures planned

ought to be designed carefully *as per need* . Buildings constructed should be eco-friendly with natural lighting and cooling.

3. **Staff** Against a sanctioned strength of 111 personnel, the actual strength reported was only 78, with 33 vacancies. Staff strength and staffing pattern ought to be re-worked out commensurate with present needs.

4. **Living conditions** appeared to be satisfactory.

5. **Under trials** Under trial prisoners constitute almost 73 % of the prison's population. As mentioned, 14 under trials (2012) have spent five or more years; 04 prisoners (2013) 04 Or more years; 32 prisoners (2015) 03 years or more; 38 prisoners (2016) 02 years or more Reducing under trial population and reducing their period of stay ought to be taken up on priority. The system of having *Lok Adalat* needs to be activated for disposing of all petty cases. It is seen that this system is effectively put to use in states like Tamil Nadu and Telangana for reducing UT population. Those states also make full use of Sec 141 Cr Pc in reducing UT population.

6. **Custodial deaths**

Although no unnatural deaths were reported so far, jail officials and staff ought to be very vigilant on this issue. Jail staff needs to be sensitized. Counseling prisoners is also very important in this regard.

7. **Health care** It is a matter of concern that even with a prison population of 414 only rudimentary health facilities are available in the prison. A proper jail hospital ought to be set up with lab and x-ray facilities, Isolation wards etc. Vacant posts of para- medical staff ought to be filled up. Some of the convicted prisoners could be trained as paramedics. AYUSH facilities ought to be provided which could benefit elderly prisoners.

8. **Mentally ill prisoners** Periodic screening by a team from the nearest Mental Hospital ought to be taken up.

9.. **Education** Facilities for basic education although provided, appears to be inadequate. Literacy/Education programs ought to be taken up/ up-scaled , irrespective of period of stay of prisoners.

10. **Vocational training** Although facilities are available for vocational training they are very limited. Vocational training facilities need to be up-scaled and diversified.

11. **Prisoner Welfare**

A modern telephone management system ought to be introduced without any further delay.

### **12. Complaints Management**

There appears to be a need for having an efficient and open complaints management system put in place in the jail. Except that some complaints are heard and considered by CJM and the District & Sessions Judge, most of the complaints are dealt with by the officials in the prison hierarchy.

### **13. Parole & Furlough**

Sanction of parole and furlough ought to be liberal within the frame work of rules.

### **14. Services of NGOs**

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

### **15. Staff Welfare**

It is very important to maintain high morale of prison officials and staff by devising suitable incentives. It is not clear whether any staff incentive system exists in Gujarat similar to that in Tamil Nadu and other states. Providing timely promotion to senior officials and staff ought to be taken up every year. Staff quarters ought to be maintained properly. Living conditions of staff members and their families ought to be taken care of.

### **16. Rehabilitation**

A rehabilitation plan ought to be prepared in respect of prisoners who have only a few years to complete their terms. Experience of prisons in Tamil Nadu and Telangana could be studied and replicated. Training convicted prisoners in selected trades like running petrol pumps/Food Courts/ factory work would enable them to take up challenges with confidence.

### **17. Security**

Prison security ought to be reviewed periodically and if need be upgraded.

### **18. Use of Solar energy /water harvesting**

These need to be taken up on priority

### **19. Prison reforms**

As explained a modern prison ought to have all facilities, including basic hospital, educational and vocational training irrespective of the length of stay of prisoners. Prison reforms need to be undertaken to ensure that all prisoners are not treated as criminals. Correctional administration ought to be an integral part of prison management.

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