

## REPORTS ON VISITS TO DISTRICT JAIL, NANDIAD AND SUB JAIL GODHRA, ON 16/17 -7-2018

---S, Jalaja Special Rapporteur

With the approval of the Commission I visited District Jail, Nandiad (Kheda district) and Sub Jail, Godhra (Panchmahal district) on 16th and 17th of July, 2018. Reports on visits to the two jails are given in Part-1 and Part 11 of this report.

### PART-1

#### REPORT ON VISIT TO DISTRICT JAIL, NANDIAD, KHEDA DISTRICT, ON 16-07-2018

##### Profile of the district

Kheda district, with an area of 3959 sq.kms, is situated in the southern part of Gujarat . According to 2011 Census the district has a population of 22. 98 lakhs. Nandiad town is the head quarters of the district.

Crime profile of the district. As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **4838** crimes, Kheda district stood **148 th** in all crime records in the country in **2013**. The district reported a crime rate of **210.38** compared to National crime rate of **218.67**.

Jail Profile and history District Jail, Nandiad (Kheda) was originally established as a sub jail, but in 1999 it was shifted to the new jail constructed in the city.

Land and infrastructure The prison has an extent of 09 acres of land. Prison infrastructure comprises of the Administrative block, 18 male barracks and 11 cells and 04 female barracks and two cells, the Auditorium, jail hospital, jail canteen, Jail kitchen, jail store and industrial shed. 04 barracks are old; rest are new.

Manpower According to approved staffing pattern for the prison, the jail has a sanctioned strength of 68 personnel, but the actual strength reported was only 45, with 23 vacancies. *The post of Jail Superintendent is vacant.* Jailor grade-11 is in charge as Superintendent of the jail.. 01 post of Jailor Gr-2 is vacant. Among the medical staff, no regular MO is posted; a Medical Officer is on deputation from the Civil Hospital . The post of Pharmacist is also vacant. One jail staff is functioning as nursing orderly. Among the office staff, the post of Office Superintendent is filled up; but posts of Head Clerk, 01 each of Senior/ Junior clerk are 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. A new staffing pattern needs to be worked out.

**Jail capacity and occupancy** Against a sanctioned capacity of 421 prisoners (M-379 ; F-42), 400 prisoners (359 male and 41 female) are lodged in this prison. 03 children (02 girls and 01 boy) are residing with their mothers. No overcrowding is reported in the jail.

**Category-wise details of prisoners** Out of 421 prisoners, 77 prisoners (76 male ;01 female) have been convicted for a period of two years.; 26 prisoners have been convicted to Rigorous Imprisonment (RI) and 51 to Simple Imprisonment (SI). 12 are LI prisoners; 05 LI prisoners have completed 14 years in jail. 322 (282 male; 40 female) are under trials and 01 is a detenue (male). It is reported that no civil or extremist prisoners are lodged in this jail

**Under-trial Prisoners** Under trial prisoners constitute almost 81% of the prison's population. Most of the cases concerning under trials are related to prohibition. Many are transferred from Godhra and other jails, on orders of the High Court.

As per data provided by the prison administration regarding length of stay of under trial prisoners, *24 under trials have spent 03 or more years;* 34 UTs 02 -3 years; 64 UTs 1-2 years ; 277 UTs 01 year or less.

95 UTs are booked u/s 302 IPC, 26 u/s 395 IPC, 31 u/s 379 IPC, 94 u/s 376, 15 u/s 420 IPC, 14 u/s 498 IPC and 03 u/s 489 IPC. As regards SLL crimes, 16 are booked under provisions of Arms Act, 02 under NDPS and rest 102 under other laws .

As per reports, under trials are being produced before courts regularly. There was no problem of getting escorts from the police. Some were produced before courts through video-conferencing facility. The Under Trial Review Committee chaired by the District and Sessions Judge is said to regularly review the status of UT prisoners.

Petty cases ought to be placed before the CJM for disposal. *Lok Adalats* need to be activated .Sec 141 Cr PC ought to be strictly followed by the police which could bring down UT population.

**Mentally ill prisoners** Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. 07 male prisoners - M.M Ansari, YGA Diwan, Rajeshbhai Manganbhai Sodhaparmar, Arifa K Sheikh, Vipulbhai Bharathbhai Patani, Nitin V Chauhan (UTs) and Janubhai Desaibhai Talpada (convict) were identified as suffering from various mental illnesses. Treatment is being provided by a visiting psychiatrist from the Civil Hospital.

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

**High Security Cells** There are no high security cells in the jail.

**Condition of prisoners.** The entire area of the jail is divided into a number of yards in which various barracks are located. Barracks 1-4 are in Yard no.1, accommodating the female prisoners. Other yards have barracks numbering from 05 -18 housing the male prisoners. A separate yard (No.7) has 12 cells wherein male prisoners are lodged. Each of these yards have been named after great souls like Ubhiya Bharti ( female barracks 1-4 ) Gurunanak Yard (barracks nos.5,6,7 & 8), Sankaracharya Yard ( barrack nos. 9 & 10), Vivekanand Yard ( barrack nos.11,12,13,& 14), Mahavir yard (barrack Nos. 15,16,17 & 18) and Budha yard ( 12 cells).

The male barracks were well lighted and well ventilated. They were seen kept clean. Lights and fans were in working condition..Against a sanctioned capacity of 20, on the average 25 prisoners are lodged in each ward. 02 toilets are available in each barrack for night use. 05 toilets and bathing rooms are available outside in the ground floor and the first floor. Water was available for use in toilets. Articles of daily use are being supplied. A TV set has been installed in all barracks.

I went around the different barracks and had interactions with some of the inmates. They did not have any complaints about their stay in the jail. Undue delay in finalizing their cases appeared to be a cause of worry for the prisoners. The matter 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 lodged in 04 separate barracks, two on the ground floor and 02 in the first floor, which were large and spacious. There were no occupants in the 02 Cells. The barracks had barred windows and were airy and well lighted. They had large verandas in front. The entire place is kept clean and neat. Lights and fans were in working condition. For drinking water RO system is available. Female barracks have 02 toilets each for night use, 02 toilets outside the ground floor and four toilets and bathrooms on the first floor.. They were kept clean . Bedding, clothes and articles of daily use have been supplied. A TV set is seen provided.

41 women are accommodated in the two barracks. 03 children are staying with their mothers. A separate Anganwadi building is seen provided for the use of children. But currently there is no tie up with any Anganwadi. Special diet is given to children. Toys and educational materials were seen provided to the children . Children get milk, but no fruits are given to them.

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. Ishratben 45 is in jail for allegedly committing robbery . Samir, a boy of 05 years is with her. She confirmed that she has legal assistance. Madhuben Bhagawan Das 63 is allegedly involved in offences u/s 302 and 498 IPC. Her husband and son are also in the jail. All three are allegedly involved in a bride burning case. Children are in her custody. Shakeen Salim Sheikh 30 and Sana Saved Sheik 33 are sisters in law. They are booked in a Kidnapping and Abduction case. The former has a 2 1/2 year old girl with her. Yashoda 30 is also stated to be involved in the murder of her mother- in law by burning her, using kerosene. Sumitraben Kadabai 35 is an under trial. She is booked in a murder case and has spent 02 years in jail. Bhartiben 40 too has a murder case registered against her for the death of her husband. She has two children-a girl and a boy at home. Dakshaben 45 is in jail in a cheque -bouncing case. She has spent 2 1/2 months in jail. The women prisoners had no complaints about their stay.

**Video- Conferencing** Video-conferencing facility, along with a generator is available, but is not yet connected to courts. The system should be made operational immediately.

**Legal aid** District Legal Services Authority is stated to be active. Only a male Advocate from DLSA visits the jail to provide legal aid and counseling. No Para-Legal Volunteers have, however, been trained. The number of prisoners provided legal aid was not reported..

**Sanction of bail** No prisoner is languishing in jail for want of giving security, after securing bail.

**Lok Adalat** Institutional arrangements for conducting *Lok Adalat* are not available in the jail whereas in states like of Tamil Nadu and Telangana the same is being efficiently used 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. 02 deaths were reported in 2017 due to natural causes. The prisoners died in CG 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.

**Parole/remission** No case is pending for parole or remission at present in the jail.

### **Basic amenities**

**Water supply and Sanitation** Water for use of prisoners/prison staff is supplied by pumping and lifting of water from a bore well. Water quality is periodically tested. RO system is installed for the supply of safe drinking water to all prisoners, including women prisoners. A water cooler has also been installed. 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 day 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 (one-125KV) are available as back up.

**Food supply** The jail kitchen is located in a separate block. The kitchen building is quite old. It has tin roofs with holes. LPG pipeline facility is available. Water supply is with the help of an old bore well. A new bore well is installed for water supply to kitchen. RO water is available.

Some efforts have been made for providing modern gadgets and equipment to the kitchen. An atta -kneading machine is available. But *no Roti* maker is provided. A grinder and refrigerator each too are provided. The post of cook is stated to be vacant. 22 prisoners (01 convict) are said to be working in the kitchen in 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. Rice and wheat are supplied from government sources; vegetables are purchased through tenders. Food charges per prisoner works out to be around Rs.30/-.

An agriculture yard is available in jail premises. Cultivation is carried out with the help of a tractor and implements provided.

**Education** There appears to be not much focus on literacy and education, perhaps because over 80% prisoners are under trials. Sarva Shiksha Abhiyan (SSA) is not seen taken up. But 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. No regular teachers are posted. Reputed NGOs could be involved in running these programs. It was stated that higher education is being pursued by those interested, with the help of Indira Gandhi Open University (IGNOU) and Baba Saheb Ambedkar Open University (BAOU).

**Health care** No regular jail hospital is seen set up in the jail; instead only a dispensary having two beds for emergencies is available in the jail campus. The dispensary is located in an old building. One Medical Officer is posted on a temporary basis. A Gynecologist visits the jail. Pharmacist or Nursing Orderly are not posted.

The dispensary comprises two rooms , the larger one is used as indoor hospital and the smaller one as doctor's room. The hospital room has attached toilet and bathroom A drug store is available. It was stated that there was no shortage of equipment or medicines. OPD attendance is around 100 patients as far as male prisoners are concerned. 05-06 patients attend the female OPD. No separate isolation ward is available, instead, space within Cells are utilized for keeping prisoners with communicable diseases in isolation. Vaccination is not regularly done. No path lab, X-ray equipment, Sonography or ECG machine is available. A stretcher, wheel chair and fogging machine are available.

Common problems reported among prisoners were scabies and upper respiratory tract infections. There were 04 TB and 01 cancer patients undergoing treatment. Vikrambhai Pranjibhai Sargara, Bhupatbhai Mangadbhai Bamania, Shekhar Bhagirath Pardhi and Gopalbhai Ratilal Seth are suffering from TB and Bhupatbhai Sakrabhai Vaghela from cancer. Prevalence of Diabetes is reported among the prisoners. Special diet is provided to sick prisoners. No pregnant or lactating mothers were present. No malnutrition was reported

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.

**PCOs/Telephone facility/waiting room/visitors** Communication with family members is very important for prisoners. Telephone facilities -PCO (coin-booth system) are available to prisoners in the prison. Separate facilities are , however, not available to women prisoners.

A separate visitor's room is set up for prisoners' meeting with visitors .Only one visit per week for Under Trials, 04 visits per month for convicted prisoners and twice a month for detenuess are permitted. 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 on 31-1-2017.

**Complaints Management** It was stated that the District and Sessions Judge visits the jail once a month and the CJM visits once a week 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. No separate complaint boxes have been installed in the women's section. Superintendent of the jail listens to the complaints on every Monday and Tuesday.

**Library** The jail has a library with a collection of 5000 books. This facility ought to be extended to the women's section too.

**Cultural programs** It was learned that cultural and religious 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. Only facility for playing badminton is stated to be available to women prisoners.

**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 not available at present. This needs to be organized with the help of reputed NGOs.

**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** Vocational training is organized with the help of NGOs like B&B Institute of Technology in the prison for male prisoners. Female prisoners are trained in *mehndi* and beauty treatment. Since there is good number of convicted prisoners vocational training programs need to be up-scaled and diversified.

**Drug De-addiction program** No Drug De-addiction Program is being organized in the jail.

**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, teaching and organizing medical camps. Santram Mandir Seva Trust, Nandiad and B& B Institute of technology, Vallab Vidyanagar 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 IG (P) on 07-10-2017.

**Security** As far as security of the jail is concerned, 03 posts of *Subedar* (all filled up), 05 posts of *Havaldar* (all filled up), 40 posts of male *Sepoys* (13 vacant) and 03 female *Sepoys* (02 vacant) have been sanctioned. Live wire protection for the compound wall is in place in the jail. Four manned towers are available for providing security to the jail. Security equipment like Hand Held Metal Detector, Door Frame Metal Detector, Alcometer, Night vision goggles, Walkie- talkie set, baggage scanner 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. No CCTVs are seen installed.

### **Transport**

Two vehicles-one for office use and an ambulance are available with jail administration. Besides two motor cycles are available for local use.

### **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. 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, especially for new recruits, by prison administration of the state. Training of data entry in e- gujcop program has been provided to officers and staff of the jail.

### **Budget**

Budget allocation for 2016-17 reported was Rs. 69.31 lakh against which Rs. 42.97 lacs were spent on diet of the prisoners. It was confirmed that funds allocated are sufficient for jail activities.

### **Modernization**

It was stated that no modernization plans are in the anvil. It is, however, seen that some attempts have 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 Prison Manual, 1879. It is yet to enact a comprehensive Model Prison Manual based on the Model Jail Manual 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.

### **2. Infrastructure**

Part of the infrastructure of the prison is old and part new. 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* and the buildings constructed should be eco-friendly, with natural lighting and cooling. Solar lighting and water harvesting facilities need to be included.

3. **Staff** Against a sanctioned strength of 68 personnel, the actual strength reported was only 45, with 23 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 81 % of the prison's population. Reducing under trial population and reducing their period of stay ought to be taken up on priority. States like Telangana and Tamil Nadu have reduced under trial population in their jails by strictly implementing section 141 of Cr PC and effectively utilizing the system of *Lok Adalat*. The same could be replicated here. The video -conferencing ought to be made operational by connecting it to all relevant courts. The system also should be utilized optimally by improving the frequency and quality of production before courts.

### **6. Access to legal assistance**

The legal aid system ought to be improved. Women and poorer prisoners ought to be given priority. At present no woman advocate is seen deputed by DLSA, Nadiad. Counseling ought to be arranged for female prisoners. Para legal volunteers ought to be trained by DLSA.

### **7. 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.

**8. Health care** It is a matter of concern that even with a prison population of 400 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 ward 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. Women prisoners also ought to be screened periodically.

**9.. Education** Facilities for basic education appears to be inadequate. Literacy/Education programs ought to be taken up/ up-scaled , irrespective of period of stay of prisoners. Prisoners, especially those among convicted prisoners (also women) who are desirous of pursuing higher education ought to be encouraged.

### **10. Women prisoners**

Although basic facilities like living space, drinking water, sanitation, food and clothing have been provided no proper education facilities exist for women and their children. For providing health care services a nurse ought to be provided. Tie up with the nearest Anganwadi ought to be made without delay. Facilities like telephone, sports, worship, health care, library ought to be provided within the women's section.

### **Senior citizens**

Senior citizens among prisoners ought to be kept together as far as possible and provided special facilities.

**Vocational training** Although some facilities are available for vocational training they are very limited. prisoners ought to be engaged in some work or the other, however short their stay be.

#### **11. Prisoner Welfare**

A modern telephone management system ought to be introduced in the jail. A separate booth ought to be set up for female prisoners.

#### **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. District Magistrate ought to visit the jail and hear the complaints of prisoners occasionally.

#### **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 convicted prisoners who have only a few years to complete their terms. Programs taken up in prisons in Tamil Nadu and Telangana could be studied and replicated.

#### **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**

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.

**Part-11****REPORT ON VISIT TO SUB JAIL, GODRA (PANCHMAHAL DISTRICT),  
GUJARAT ON 17-07-2018**

---S, Jalaja Special Rapporteur

**Profile of the district**

Panchmahal District is a located on the eastern end of the state of Gujarat, with its head quarters at Godhra. It covers an area of 8866 sq.km. According to the 2011 Census, the district has a population of approximately 23.90 lakhs.

**Crime profile of the district**

According to District Police, , 1528 IPC crimes were reported in the district in 2015; 1436 crimes in 2016 and 1407 in 2017. Largest number of offences relate to prohibition (4073 in 2015; 4167 in 2016 and 4467 in 2017). Total number of offences, including those under SLL reported were 5796 in 2015; 5807 in 2016 and 5804 in 2017.

**Jail Profile and history**

Sub Jail, Godhra was established in 1885. Old parts of the jail are still maintained, although some additions have been made. Some new barracks have been constructed.

**Land and infrastructure**

The prison area has an extent of 7695.65 sq.ms out of which jail buildings occupy 3089 sq.ms; staff quarters occupy around 497 sq.ms; sports ground; 441.00 sq.km and open space is around 3667.65 sq.ms.

Prison infrastructure comprises of the Administrative block, 06 male barracks (02 old; 04 new) and 05 female barracks, besides the jail dispensary, VC room, Legal aid clinic, library, visitors room, kitchen and store.

### Manpower

According to approved staffing pattern for the prison, the jail has a sanctioned strength of 31 personnel, but the actual strength reported was only 23, with 08 vacancies. The post of Superintendent is filled up; so also posts of administrative and other staff. Among the medical staff, posts of Medical Officer is vacant. Posts of Pharmacist and Nursing Orderly are also vacant. Among the posts of security staff, only 08 post of *Sepoys* are vacant.

**Jail capacity and occupancy** Against a sanctioned capacity of 165 prisoners (M-133 M; F-32), 254 prisoners (242 male and 12 female) are lodged in this prison. No children are residing with their mothers.

**Category-wise details of prisoners** Out of 254 prisoners, only 13 prisoners (RI-11; SI-02) are convicts. Only convicted prisoners serving a sentence up to 03 months of imprisonment are kept in this jail. Those serving longer terms are sent to Central Jail, Vadodara. It is reported that no civil or extremist prisoners are lodged in this jail. 66 prisoners (59 M; 07 F) belong to ST community; 11 (M-10; F-01) are Scheduled Castes and 31 (all male) belong to minorities.

**Under-trial Prisoners** Under trial prisoners constitute almost 95 % (T-241; M-229; F-12) of the prison's population. As per data provided by the prison administration regarding length of stay of under trial prisoners, 01 female under trial (2010) has spent seven or more years in jail; 01 prisoner (2013) 04 or more years; 08 prisoners (2015) 03 years or more; 22 prisoners (2016) 02 years or more and 45 UTs one year or more. Hanuman Singh who has completed 04 years and 08 months as under trial is to undergo Narco test in Gandhi Nagar.

As per data provided, 65 UTs are facing murder charges; 14 UTs Dowry/domestic violence cases, 02 K&A, 08 UTs Rape, 37 UTs Theft/Robbery, 45 UTs POCSO and the remaining, other charges.

As per reports under trials are being produced before courts regularly. Getting escorts from the police was not a problem. All UTs have legal assistance. Some

were produced before courts through video-conferencing facility. All under trials involved in murder cases are facing trial. The Under Trial Review Committee chaired by District & Session Judge reviews their status regularly, once in three months.

*Lok Adalats* needs to be activated . Petty cases ought to be placed before the CJM for disposal. Sec 141 Cr PC 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. 01 female prisoner named Savitaben Bachabhai Rathva 32 who has completed 07 years as UT is said to be suffering from mental illness. She has been sent to Mental Hospital, Baroda and has been in treatment for the last 05 years..

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

### **Condition of prisoners.**

Male prisoners are housed in 06 barracks earmarked for them. .Four of the barracks are new and 02 are old. Barrack numbers 1,2,3 and 4 are larger than barracks Nos. 5 & 6. 03 & 04. Against a sanctioned capacity of 133, 242 prisoners are lodged in these barracks. Barracks numbers 3& 4 have more than double the sanctioned capacity of prisoners. Barracks nos. 5&6 are also over crowded.

The barracks were airy and well lighted . They were kept clean. Lights and fans were in working condition. Each barrack has 01 toilet each for night use. Water was available for use in toilets. 16 toilets and bathing space are available outside. Articles of daily use are being supplied. A TV set has been installed in each barrack.

I went around the different blocks and had interactions with some of the inmates. Barrack no.2 is a double barrack with a sanctioned capacity of 20 against which 24 prisoners are lodged. The barrack is old but renovated. Floors were made of Kota tiles. Dimple Kumar 18 is booked u/s 376/ POCSO. He has completed one year in

jail. Madhubai 28 is allegedly involved in a murder case. He has completed 01 year in jail. Rumalse 40 also has a case against him u/s 302. He has spent 2 1/2 years in jail. He confirmed that legal assistance is available. His case is said to be in final stages. Gopal Bai Dasubai 40 is booked u/s 302/498. He has spent more than 01 year in jail. He also has a lawyer. Movin Khajuru 32 has a case u/s 395 and has spent 06 years. Babloo 28, Anis 25 and Anup 32 are alleged to be his accomplices. They, however, complained that no date has been given by the court for their appearance. Undue delay in finalizing their cases appears to be a cause of worry for 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

Five barracks are earmarked for women prisoners; but only two are in use. Of the two barracks used, one is large and the other small. Other rooms are very small. The entire place is kept clean and neat. The bigger room is quite spacious and has a large window. Lights and fans are available. But the lights were not working. Although RO system is installed for providing safe drinking water, it was not in use. 01 toilet is for night use. It was clean. Two toilets and bathrooms are available outside. One cradle is available. One sewing machine is also provided for the use of women. Bedding, clothes and articles of daily use have been supplied. A TV set is seen provided.

12 women are accommodated in all. No children were present. No pregnant or lactating women were present. I spoke to some of the prisoners. Sharda 35 and her husband have a murder case against .She came to the jail only on 10-7-18. Jaliben 65 has a kidnapping case against her. Baluben 65 has a bride burning case against her u/s 302/498 IPC. Reva Ben came to the jail only 02 days ago along with her husband and son. Savitaben 60 is also allegedly involved in a case u/s 309/307. Her husband and son are also in the jail. Jyotsna Ben 22 has been in jail for the last one year. Her husband is also involved in the same murder case. Lalithaben 40 and her husband have a case registered u/s 302 IPC. Ramlaben 35 is involved in a quarrel case u/s 329/323 IPC. She came to the jail only the previous day.

No teacher is posted for teaching women prisoners. Healthcare facilities are inadequate for women prisoners, as no woman doctor or staff nurse is posted. It



was stated that women who are ill are referred to the Civil Hospital. It was claimed that there was no delay in getting escort. No vocational training is currently seen organized for the women except that a sewing machine is provided to women inmates. Directions of the Supreme Court in *Upadhyay Vs the State of Andhra Pradesh* ought to be implemented.

### **Video- Conferencing**

Video-conferencing facility is available. At present it is not connected to all courts in the district. Only 13 prisoners were produced before the court in 2017 using the facility. In the previous month (June) no prisoner was produced before court using this facility. 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 (DSLAA) is stated to be active. It was stated that legal aid is sanctioned as per rules. A Legal Aid Clinic has been established by the DSLAA. Lawyers from DSLAA visit the jail once a week and provide counseling. Two Para- legal volunteers from among the prisoners have been trained by the DSLAA. Jail administration did not indicate the number of prisoners were provided legal aid.

### **Sanction of bail**

It was stated that petty cases are disposed of by the CJM. But there were no cases wherein prisoners who have received bail are languishing for want of payment of security.

### **Lok Adalat**

Institutional arrangements for conducting *Lok Adalat* are not available in the jail whereas in states like of Tamil Nadu and Telangana the system is being efficiently used 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. However, there is need to sensitize prison staff on this issue. Prisoners also need counseling.

### **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 Godhra Municipality.. In addition one hand pump is available. No RO system is installed for the supply of safe drinking water to all prisoners. For providing safe drinking water to the entire prison a 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 day 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. A generator is installed as back up.

#### **Food supply**

The kitchen is located in an old building but has been renovated. The kitchen unlike in other prisons is not very large. It has grilled windows and is well lighted and ventilated. Kitchen was generally clean. Exhaust fans are fitted on the walls. LPG facility is available. Cooking is done with pipe water supplied by the Municipality. Atta kneading machine has been provided.

02 convicted and 08 under trial prisoners work in shifts in the kitchen. Unskilled workers are paid Rs 70/-per day; Semi-skilled Rs.80/- and skilled Rs 100/- per day. Cost of food served per prisoner was reported as Rs.42/per day.

Boiled chick peas/peanuts and tea are served for breakfast; Rice, *Rotis*, *dal*, and vegetables are served for lunch and *Roti*, vegetables and *kichchdi* were being

served for dinner. Special food is given on Sunday. Sweets are given on national holidays and religious festivals.

### Education

Literacy classes are run for illiterate prisoners. 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.

IGNOU and BAOU centers have been set up. Arrangements have been made for board examinations of standard 10 & 12. Basic education is provided to the prisoners through literacy campaign and higher education with the help of Indira Gandhi Open University and Baba Saheb Ambedkar Open University.

### Health care

No hospital is seen set up in the jail; no posts of MO, pharmacists or Nursing orderly are sanctioned. Prisoners are taken to Civil Hospital, Godhra and cases which need further investigation are referred to SSG hospital, Vadodara.. An ambulance is available for transportation. It was stated that there was no problem in getting police escort.

Medical camps are said to be organized in the jail. 21 camps were organized and 1538 prisoners were examined; in 2018 15 camps were held involving 1184 prisoners. 18 persons were detected with skin problems. No TB cases were reported. Prevalence of malaria/HIV/AIDS is reported. Special diet is provided to sick prisoners.

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 as per medical advice.

### Parole /Remissions

Parole is sanctioned to convicted prisoners by District Magistrate for a period up to one month and furlough by IGP. In emergency one week's parole is sanctioned.

04 prisoners were on parole at the time of visit. No cases of Remission are pending.

#### **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. They are permitted to communicate with their families thrice a week. No separate facilities are available for women prisoners. Those who commit serious offences are not allowed to use the facility. This needs to be reviewed.

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. Each visitor is allowed about 20 minutes per visit.

#### **Board of visitors**

It was learned that Visitor's Board has been constituted in the jail which visits the jail once in three months. The Board Members reportedly visited the prison on 26-3-2018.

Jail Visitor Board meeting is held under the chairmanship of the 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 visits the jail once a month and CJM once a week 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 Director General of Prisons. Superintendent of the jail listens to the complaints during his rounds twice a week information is provided to prisoners under the RTI Act.

#### **Library**

The jail has a library with a collection of around 4000 books. Gujarati news papers are supplied to all barracks.

#### **Cultural programs**

It was learned that religious discourses and 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, Ludo and carom are stated to be available. Sport activities are also organized from time to time. No sports facilities are available for women.

### **Religious activities**

Two Durga temples are available for worship by prisoners within the jail premises. Other 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 for both male and female prisoners with the help of Brahmakumaris..

### **Jail Canteen**

No canteen facilities are available at present. Items needed by the inmates are procured and distributed. 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 at fixed rates.

### **Vocational Training and employment**

Facilities for vocational training are not available in the prison as the jail has limited space and majority of the prisoners are under trials. Women prisoners are given sewing machines for their use. A hair cutting saloon is run by trained convicted prisoners.

**Drug De-addiction program** No Drug De-addiction Program as such is being organized in the jail.

### **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. Brahmakumatis, Art of Living, Thakkar Khaman House, Godhra, Ummeed Charitable Trust, Godhra, Yashobadra Subankar Smarak Trust, Godhra, 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 last inspection was conducted by IG (P) on 13.02 2017.

### **Security**

The jail is guarded by a team of prison security staff- 01 *Subedar*, 01 *Havaldar*, 23 male *Sepoys* (08 vacant) and 02 women *Sepoys*. All security staff has been provided basic training. The compound wall is protected by live wires. Only one watch tower (manned) is set up. Security equipment like Hand Metal Detector, Door Frame Metal Detector, and other security 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. No CCTVs have been installed. This needs to be taken up urgently

### **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**

the present budget allocation is considered to be sufficient by jail authorities.

### **Modernization**

A proposal for construction of a new jail is under consideration of the state government. For this purpose land has been identified and funds sanctioned. It needs to be ensured that the buildings are eco-friendly with solar and water harvesting facilities. The construction could be completed in phases, as per need. The project ought to be monitored closely and completed within the timeframe planned.

Presently only prisoners data is computerized. Attempt ought to be made to introduce new technologies in jail administration ( e-mulakat, e-learning, Prison Management).

### **Jail Manual**

It is seen that jail administration in Gujarat is governed by the provisions of the Prison Manual, 1879. Amendments are being made from time to time. However, 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.

#### **2. Infrastructure**

Infrastructure of the prison is quite old. A few new barracks have been constructed. However, a comprehensive plan ought to be made for having new buildings for the jail, which could be implemented in phases.. At least the new structures planned ought to be designed carefully *as per need* and the buildings constructed should be eco-friendly with natural lighting and cooling.

3. **Staff** Staff position in the jail appeared to be generally satisfactory

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

5. **Under trials** Under trial prisoners constitute almost 95 % of the prison's population. As mentioned, 01 under trial (2010) has spent seven or more years; 01 prisoner (2013) 04 or more years; 08 prisoners (2015) 03 years or more; 22 prisoners (2016) 02 years or more and 45 UTs one year or more. Apart from other measures, optimum utilization of VC facility, effective use of Sec 141 Cr PC, and the system of *Lok Adalat*, as in the states of Tamil Nadu and Telangana can help reduce UT population in Jails.

### **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 only rudimentary health facilities are available in the prison. A proper Mini hospital/dispensary ought to be set up. 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 (Vadodara) 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** No vocational training has been taken up, as majority of prisoners are under trials and due to paucity of space. Convicted prisoners and long serving UT prisoners should be fully engaged in some activity or other. Short term training for women like handicrafts, sewing, food making, basic nursing could be thought of.

**11. Prisoner Welfare** A modern telephone management system ought to be introduced without any further delay. Women's section also ought to be provided the facility.

### **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 a 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 convicted prisoners who have only a few years to complete their terms. Experience of prisons in Tamil Nadu and Telangana could be studied and replicated.

#### **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 healthcare, 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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