

## **REPORT ON VISIT TO SPECIAL PRISON, PORBADAR, GUJARAT ON 24-05-2018**

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Porbandar is famous as the birthplace of Mahatma Gandhi. This district was carved out of Junagad district on 2nd October 1997. It covers an area of 2,316 km<sup>2</sup> and has a population of 5.85 lakhs, as per 2011 Census.

### **Crime profile of the district**

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 838 crimes, Porbandar district stood 475th in all crime records in India. It reported a crime rate of **143.14** compared to National crime rate of **218.67** in 2013.

### **Jail Profile and history**

The Special Prison, Porbander was originally set up as Sub Jail in 1981, but was upgraded as Special Prison for housing habitual offenders. But it was shut down due to renovations being carried out and became operational only w. e. f from 1987.

### **Land and infrastructure**

The prison buildings occupy an area of 47750 sq yards. Apart from office buildings, Prison Dispensary, Kitchen and other common facilities, jail infrastructure comprises of 06 barracks and 13 Cells for male and two barracks for housing female prisoners..

**Manpower** As per approved staff pattern the prison has a staff strength of 78 (71 permanent; 07 temporary). The prison, at present is manned by staff numbering 60. *The post of Superintendent of the prison is reported as vacant.* A Senior Jailor is in charge. Besides the AS, the other staff include 05 (05 total-01 transferred) Jailors grade 11, 01 Head Clerk (T-01), 01 Senior Clerk (T-01), 01 Pharmacist (T01), 01 Subedar (T-04) and 07 Sepoys (T-48).

### **Jail capacity and occupancy**

Against a sanctioned capacity of **120 (110-male; 10 female)**, **141** prisoners (138-male; 03 female) are lodged in the jail. One girl of 03 1/2 years is staying with her mother.

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

Out of 141 prisoners 31 are convicts (all male) and 110 under trials (107 male; 03 female). Out of 31 convicted prisoners 02 have been sentenced to Life Imprisonment (LI), 07 are undergoing rigorous Imprisonment (RI) and 24 simple imprisonment (SI). No extremist prisoners are lodged in this prison. 03 are elderly prisoners (02 convicted; 01 UTs).

### Under trial prisoners

Under trials form roughly 78% of the prison population. Out of 110 UTs (107 male; 03 female) 34 are booked u/s 302 IPC (31 M ; 01 F), 01 (male) u/s 307 IPC, 05 (all male u/s 376 IPC & POCSO) , 01 (M) u/s 379 IPC and 09 (M) and 01 (F) under other sections of IPC. As far as length of stay of prisoners in the prison is concerned, from the data furnished by jail authorities it is seen that 07 under trial prisoners are staying in jail *for five years or more* (2013), 02 prisoners for *four or more years* (2014), 05 UTs for *three or more years* (2015), 06 prisoners for *two or more years* and 13 for *one year or more* (2017).

### High Security Prisoners

No high security prisoners are reported to be lodged in this prison.

### Mentally ill prisoners

No mentally ill prisoners are stated to be lodged in the prison. It is difficult to accept that among 141 prisoners lodged in this prison none is suffering from mental illness. Periodic screening of both male and female prisoners ought to be conducted by a team from the nearest Mental Health Institution.

### Condition of prisoners.

As mentioned, male prisoners are lodged in 6 barracks and 13 Cells. I visited some the barracks wherein the prisoners are lodged and had interactions with the inmates. Ward have a sanctioned capacity of 20 against which 20 prisoners are generally seen lodged . There was no overcrowding. The barracks were generally clean and kept well. Lights and fans were in working condition. All wards were seen provided with RO water, fans and exhaust fans. The condition of two toilets inside for night use and 06 toilets for night use was satisfactory. Bathrooms are also available. TV sets are seen provided. Prisoners were provided with indoor

games facility. It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc.

As per data provided, out of 32 convicted prisoners in jail, Mohan Ramnath Patel and Masari Sidibhai Modhvadia are undergoing Life Imprisonment. Bahadursingh Jorubha Vaghela and Vinja Acbhabhai Mer are undergoing imprisonment for 03 years and 02 years respectively. *21 convicts are sentenced in cases relating to section 125 Cr Pc.* Remaining 04 prisoners are undergoing imprisonment for various periods. I spoke to some of the inmates. None of the prisoners raised any complaint.

Among the under trial prisoners Mohan Pitha Makwana has been booked u/s 302 and other provisions of IPC and is in jail since 2013. Mukesh Lalaji Mashani , Pratap Vinja Gohel, Daya Govind Chauhan, Satish Parsotam Rathod, Mukhesh Khimaji Vandaria and Rajesh Jamanadas Kanani are in jail since 2013. Although legal assistance is available to them, their cases are progressing slowly.

### Women Prisoners

Women prisoners are lodged two barracks. The barracks comprise of two halls one larger than the other small, each with a sanctioned capacity of 05. Only 03 women are lodged in this jail. Both halls were well ventilated. Lights and fans were in working condition. The barracks were kept clean and neat.

Each hall has a bathroom and toilet each. The toilets were not maintained properly. Bedding, clothes and articles of daily use have been supplied .A TV set is seen provided.

Special diet is given to children. Toys and educational materials were seen provided .

No educational programs are seen taken up for women prisoners, perhaps due to the fact that they are few in number and that they are generally under trials. No lady doctor or Gynecologist is posted; neither do they visit the prison. Women are referred to the local government hospital. No vocational training is currently seen organized for women. Guidelines issued by the Apex court in *Upadhay Vs state of Andhra Pradesh* ought to be complied with.

All 03 women lodged here were under trials.. I spoke to all three women prisoners (the 4th is on bail). Hima Bai 80 is an under trial prisoner allegedly involved in a

murder case. She came to jail in June, 2017. Her involvement in committing crime ought to be analyzed carefully and whether there is any scope of releasing her on bail ought to be explored. Kajal Raju Maru 24 is in jail since 2016. She has a girl of 03 years with her. Her husband is not in jail. The case against her is registered u/s 302 IPC. She confirmed that she was getting legal assistance. Goshian Ansa Ben 27 is booked u/s 498 IPC in a case in connection with the death of her sister in law. Her husband is also in jail, in the same case. She confirmed that legal assistance was available to her.

Rajeswari Yuvraj Thandil 43 is involved in a cheque- bouncing case. She already got bail.

### **Custodial Deaths /violence**

No custodial death was reported in the jail.

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

No incident of jail break has been reported in this jail so far.

### **Basic amenities**

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

It was mentioned that no Municipal water supply is being provided to the jail, instead, water from a bore well in the jail compound is being utilized. A RO system is seen installed. As far as sanitation facilities are concerned it is seen that every barrack has toilets and bathrooms for night use and toilets and bathing spaces are available outside for day use in adequate numbers. Water was available in the toilets. Toilets were generally clean and well maintained.

#### **Power Supply**

24 hour power supply is available in the jail. A generator with a capacity of 30 KV is installed as back up.

#### **Food supply**

The jail kitchen is run in a large room which was in good condition, as it has been renovated. With two windows and an exhaust fan, ventilation was sufficient.

Adjacent to the kitchen is the work area. For storage cup boards are used. Water supply is available for cooking, washing and cleaning purposes. LPG is available for cooking.

It was mentioned that the inmates are provided three main meals, including breakfast, lunch and dinner. Food supplied is on calorie basis. *Roti*, vegetables and *Kichdi* were being served for dinner. The quality of food appeared to be satisfactory. Rice, *Dal* and vegetables are procured through tenders. No kitchen garden is available in the prison.

07 prisoners are found working in the kitchen. I spoke to them. They said that they had no complaints. All have lawyers. They are paid at rates fixed by the state Government ---Rs 100/- for skilled ; Rs 90 for semi-skilled and Rs.80 for unskilled.

### Education

It is seen that among the inmates only 90% male are literate whereas all female prisoners are literate. It appears that not much attention has been paid to the area of education in the prison. Only one male teacher (temporary) is seen posted. No arrangement exists for teaching women as they are few in number and all are generally under trials.

38 prisoners have appeared in examinations conducted by IGNOU and Babasaheb Ambedkar University at their centers in Rajkot. Coaching classes ought to be arranged for those who appear in exams. Computer training ought to be organized for both young male and female prisoners.

### Health care

No regular hospital facilities are available in the jail. Only a one room dispensary partitioned to two parts has been set up. One part is the doctor's room and the other the dispensary. OPD attendance was reported as 30 per day. No isolation rooms have been set up. A Medical Officer is posted on rotational basis from the Civil Hospital for only 03 months ( this system ought to be done away with) but the post of Pharmacist is vacant. The jail also has no pathology laboratory. X-ray and other facilities are not available. The jail depends on the nearby govt. hospital for indoor treatment of patients. A prisoner's ward is reportedly available in that hospital.

Ambulance service is available for transporting patients to the hospital. Medicines are supplied by CMO, Jamnagar. At present no shortage of medicines was reported.

Since more than hundred prisoners are lodged in this prison, it is essential to have at least a mini hospital established within the prison premises.

### **Video-conferencing**

Video-conferencing facility is available in the jail, but is connected to only one court. The facility *operates only on Fridays*. In reply it was stated that the other magistrates also come before the facility. A separate room is set up for this purpose. Keeping in view of the fact that majority of the prison population comprises of under trials, it is important that the number and quality of production is improved. Moreover, the facility needs to be connected to all relevant courts.

### **Legal Aid**

It was stated that legal aid is being provided to prisoners. District Legal Services Authority (DLSA) is stated to be active. 03 advocates visit the jail twice (all male) and provide counseling and legal aid. Secretary of DSLA visits the prisoners every Friday. DLSA also ought to depute women advocates. It was pointed out that more time should be devoted by the advocates to the prisoners who need their help.

### **Sanction of bail**

It was stated that no prisoner who already on bail, is languishing in jail as she/he has no security to offer to facilitate her/his release. But jail authorities ought to be vigilant on this issue. Such cases ought to be brought to the notice of the CJM .

### **Lok Adalats**

It was stated that *Lok Adalats* are not being organized in the jail.

**Parole/ Furlough/ Remission** Parole /furlough and remission are sanctioned for convicted prisoners as per rules. Parole is sanctioned by the DM for a period up to one month. At present 09 prisoners are said to be on parole. Furlough is sanctioned by IG(P).

Remission is granted by the state government, subject to eligibility. Special remission is granted for special work and good conduct by SP (P) and IG (P) as per provisions of the Bombay Jail Manual/Rules 1940. Special remission is granted on special festivals/days of national importance. It was mentioned that one LI prisoner has completed 18 years in jail and is waiting for release. His case ought to be referred to the state government.

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

It is seen that telephone facilities/PCOs (coin box) are available to prisoners for communicating with their families. They are permitted to speak to their family members thrice every week for 05 minutes each.

Every under trial prisoner is allowed to meet their family members once in a week and convicted prisoners twice a month for 20 minutes each. A waiting room is seen set apart for visitors.

### **Board of visitors**

It was learned that Board of Visitors has been constituted for the jail and that the Board members visit the jail regularly.

### **Complaints management**

Two complaint boxes have been installed to receive complaints from prisoners which are to be opened by the District & Session's Judge and the DIG (P). District & Sessions Judge and the CJM also visit the jail regularly. Complaints are heard by the Superintendent while taking daily rounds.

### **Library**

A library with around 2927 books and 247 magazines is set up in the jail for use of prisoners. Female prisoners are also provided books to read.

### **Cultural programs**

Cultural programs are stated to be organized periodically in the prison .

### **Sports**

For want of sufficient space, outdoor games are not being organized for prisoners. Indoor facilities for playing chess and carom are available.

### **Religious activities**

It was stated that prisoners are allowed to follow their own religious practices. A temple is available for worship.

### **Yoga/Gym**

Facilities for practicing Yoga are available. Yoga is practiced daily by prisoners with the help of trainers from Art of Living.

**Recreation** It is seen that color TV sets have been provided for the entertainment of prisoners..

### **Jail Canteen**

Canteen facilities are not available to the inmates.

### **Vocational Training**

It is learned that no vocational training is taken up. Jail Authorities ought to introduce vocational training in useful trades for convicted prisoners which will enable them to be gainfully employed. Charkha and Spinning which were close to the heart of the Mahatma could be introduced at least among elderly prisoners. Cottage industries could be set up, which were also promoted by Gandhiji during his life time.

### **Drug De-addiction program**

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

### **Role of NGOs**

It was stated that services of Art of Living and Lions club are being utilized for various activities.

### **Inspections**

It was stated that regular inspections are being conducted by IG (Prisons), DIG (Prisons) and other senior officials. Last inspection was conducted by DIG (Prisons) on 6 -8-2016. District Judge and CJM visit the jail regularly.

### **Security**

Security of the Prison is maintained by 49 jail guards. *No state police is involved.* Two manned watch towers have been set up. 48 CCTVs have been installed; all were stated to be in working condition. Security equipment including , mobile detector, metal detector etc are stated to be available.

Security in the prison ought to be reviewed periodically. It may also be considered whether only jail guards are sufficient to ensure its security.

### **Solar Lighting/water harvesting**

Many jails in the country have shifted to alternate energy uses for a variety of purposes. Solar lighting/heating and water harvesting have been not yet been introduced so far in this prison.

### **Training**

It is very important to train prison officials and subordinate staff in dealing with prisoners on human rights issues. It is learned that regular training, including induction/refresher/compulsory training programs are being organized for prison officials and staff .

### **Budget**

The prison received Rs.4.35 crore as budget allocation for 2017-18 out of which a sub allocation of Rs.13 lakhs was kept apart for expenditure on diet of the prisoners. It was confirmed that sufficient funds are available for various prison activities.

### **Jail Manual**

Prison administration in Gujarat is governed by the Bombay Jail Manual/Rules, 1940. Model, Jail Manual circulated by the Union Home Ministry is yet to be adopted by the state government.

### **Modernization**

There appeared to be no plans for modernization, except construction of two staff quarters (10 B & C grade) .

### **Observations/ Recommendations:-**

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

Established in 1981 as Sub Jail and upgraded and made operational in 1987, Special Prison, Porbandar is comparatively a new prison in Gujarat. Though Porbandar is the birth place of Mahatma, I could see no imprint of his teachings upon prison administration. In fact this could have been a special prison, modeled after the Mahatmas teachings.

#### **2. Infrastructure**

Infrastructure of the prison appeared to be adequate and generally well maintained. Some parts like Kitchen, women's wing were seen renovated. However, a comprehensive plan ought to be made for the Prison. At least the new structures planned ought to be designed carefully *as per need* and care ought to be taken to ensure that the new buildings constructed are eco-friendly, with natural lighting and cooling.

3. **Staff** Against a sanctioned strength of 78 personnel, the actual strength reported was only 60, with 18 vacancies. The post of Superintendent is vacant. It needs to be filled up without further delay as without whom it would be difficult to maintain order and discipline in the prison. Staff strength and staffing pattern ought to be re-worked out, commensurate with present needs.

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

5. **Under trials** Under trial prisoners constitute a little over 78 % of the prison's population. As far as length of stay of prisoners is concerned, from the data furnished by jail authorities it is seen that 07 under trial prisoners are staying in jail *for five years or more* (2013), 02 prisoners for *four or more years* (2014), 05 UTs

for *three or more* years (2015), **06** prisoners for *two or more* years and **13** for *one year or more* (2017).

Reducing under trial population and the period of their stay ought to be taken up on priority. It is, however, seen that video-conferencing facility although available, is connected only to one court only and works only on Fridays. The facility should be connected to all relevant courts; the number and quality of production needs to be increased.

It may be pointed out that Section 141 Cr Pc has been effectively used in states like Tamil Nadu and Telangana to limit UT population in those states successfully. The two states also have effectively utilized the system of *Lok Adalat* which needs to be replicated in all prisons of Gujarat.

#### **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 141 only rudimentary health facilities are available in the prison. It would also be a violation of the directions issued by the Apex Court not to have health facilities for women prisoners, within the prison premises. At least a mini 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. A staff Nurse ought to be deputed on all days a week, if lady doctors are not available. 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. Those who have serious mental illnesses ought to be shifted to a mental health institution for treatment and care as per NHRC guidelines.

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

**10. Vocational training** It is seen that no facilities are available for vocational training. Training in selected trades in which products have sale value ought to be taken up with the help of NGOs specialized in those fields.

**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, *independent* 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. It is seen that one convicted prisoner has completed 18 years in prison. As per directions of the Supreme Court LI prisoners are to spend their entire life time in jail. Women, elderly , and prisoners suffering from terminal illnesses who have completed 14 years look upon to state Government for remission. Such cases ought to be sent to the state government for early consideration.

**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, when released.

#### **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.

E-governance ought to be introduced, like PMS, e-Mulakat, smart cards etc.

Mahatma Gandhi advocated reforming the prisoners, rather than inflicting punishments on them. 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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