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NOTE

With the approval of the Commission, I visited Vadodara, Bharuch, Surat and Dang districts in the state of Gujarat from 14 to 19 November, 2016 to assess the status of human rights. In that connection, I also visited Central Jails Vadodara and Surat as well as Sub Jails Bharuch and Dang.

Enclosed herewith are reports pertaining to visits to these four jails. I shall be grateful if the same are placed before the Commission early.

Secretary General, NHRC

S. Jalaja,

Special Rapporteur, NHRC

17-01-2016

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N.H.R.C
PRP&P Division
DIR Unit
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Dy No. 21

REPORT ON VISITS TO JAILS IN VADODARA, BHARUCH, SURAT AND DANG DISTRICTS OF GUJARAT 14-19 NOVEMBER, 2016

----- S. Jalaja, Spl. Rapporteur, NHRC

Gujarat is considered to be one of the advanced states in terms of correctional administration in India. The management and administration of prisons in the state are guided by the Prisons Act of 1894, Prisoners Act of 1900, Bombay Jail Manual, 1955 and the Gujarat Sub Jail Manual, 1952.

It is reported that the State Government has taken several measures for improvement of prisons in the state, including creation of new central jails, renovation/up gradation of prison infrastructure, recruitment of more staff, provision of better educational health facilities, vocational training, involvement of NGOs, introduction of high-tech security system in some jails and conducting training programs for prison officials and staff. Setting up facilities like separate open air jails for male and women prisoners and community correction centers for petty offenders are stated to be in pipeline.

I visited four districts in Gujarat from 14-19 November, 2016 with a view to assess the status of human rights. As a part of my program I visited Central Jails, Vadodara and Surat and Sub Jails, Bharuch as well as Dang.

Given below are general observations /recommendations concerning all four jails (Part-1 of this report). Also included are specific observations/recommendations in respect of each of the jails (Parts 11,111, 1V & V) in order to facilitate follow up action by jail authorities concerned.

PART-1

General Observations/ Recommendations

1. Prison Infrastructure

Central Jail Vadodara was set up more than 100 years ago (1881). Housed in a historic building it has been renovated from time to time. Originally set up as sub jail in 1959 and upgraded in 2012, Central Prison Lajpore, Surat is presently a model jail with new infrastructure. Only new wards have been constructed in Sub Jail Bharuch which was set up in 1959. Over 100 years old, Sub Jail, Dang does not have an independent set up and is still attached to the collect orate. The State Government, however, needs to have a comprehensive development plan for each

jail. A new sub jail ought to be planned for Dang district; its construction could be taken up in phases, as per need.

2. Jail capacity

Against a sanctioned capacity of **1165** (955 male ; 210 female), occupancy reported was **1426** (1348 male and 6478 female) in Central Jail, Vadodara; in Sub Jail, Bharuch against sanctioned capacity of **205** (200 male,05 female) occupancy reported was **348** (314 male;14 female) ; in Central Jail, Surat sanctioned capacity was **2967** (2757 male; 210 female) against which occupancy reported was **2110** (2022 male ;88 female) and in Sub Jail, Dang against a sanctioned capacity of **70** (60 male;10 female) occupancy reported was only **08** (all male). Over -crowding reported was only in respect of Central Jail Vadodara and Sub Jail, Bharuch. Either sanctioned capacity should be increased in these two jails along with up gradation of facilities or efforts ought to be made to reduce under trial population.

04 children (03 boys& 01girl) stay with their mothers in Vadodara jail; 01 child in Bharuch; 03children (02 infants and 01 boy) in Surat. No children were present in Sub Jail, Dang.

3. Shortage of Manpower

The four jails visited reported shortage of staff. In Central Jail Vadodara 189 posts are vacant against 449 sanctioned, *including that of Superintendent of the jail*; 09 out of 26 are vacant in Sub Jail, Bharuch; 212 out of 485 vacant in Central Jail, Surat and no post sanctioned in Sub Jail, Dang. The vacancies need to be filled up on priority.

3. Living conditions

In Central Jails Vadodara and Surat wards were in good condition. In Sub Jail, Bharuch 11 out of 12 wards were new. Only in Sub Jail Dang adequate facilities were not available for housing the prisoners. Basic facilities like drinking water, regular power supply, bathing and toilet facilities are available to inmates in all four jails. Articles of daily use have also been provided. Only in Sub Jail, Dang facilities were somewhat rudimentary. Food supply appeared to be generally satisfactory, except in Dang district where kitchen facilities were not available.

4. Under trial prisoners

Except in Central Jail Vadodara, under trials constitute majority of the prison population. Out of **1426** inmates, **501** (492 male; 19 female)- about **33%** are under trials in Central Jail, Vadodara. In Sub Jail Bharuch, **328** (314 male: 14 female) out of **348** inmates (**94-95%**) are under trials. In Central Jail, Surat 1435 (1373 male and 62 female) out of 2110 inmates (**about 75%**) are under trails. All inmates (08) are under trials in Dang District.

Authorities of Central Jail, Vadodara have not furnished data regarding length of stay of under trial prisoners in jail. *In Sub Jail Bharuch 05 UT prisoners have spent 3-4 years and 04 prisoners more than 04 years in jail. 18 under trials have spent more than 05 years, 31 UTs between 4 and 05 years and 67 UTs between 3-4 years in Central Jail Surat.* All 08 UTs in Dang were admitted recently. High percentage of UT population in these jails is a matter of serious concern. A drive needs to be conducted to reduce it to the minimum level.

5. Access to justice

Easy access to justice is one of the most important rights of prisoners. While speaking to prisoners many of them complained about lack of legal support, difficulty in getting police escort, non-production before courts, cases not being taken up, undue delay in receiving judgments etc. Had the legal support system been effective, so many UTs would not have remained in jail, that too for years together .

- Non-sanctioning of **legal aid** is a violation of the orders of the Supreme Court which held that legal aid to a poor is a constitutional mandate not only by virtue of Article 39A but also Articles 14, 19, 21, which cannot be denied by the government.
- Although legal aid is sanctioned to prisoners ,it is generally seen taken up in a routine fashion. Women, especially with children, prisoners belonging to SC/ST communities and other vulnerable sections, which include BPL /elderly prisoners ought to get priority.
- The impact of providing legal aid is not seen assessed.
- Most often prisoners did not know the stage at which their cases were pending. A system for tracking/**monitoring** of cases should be put in place quickly.
- Video-conferencing facility is not being utilized fully in any of the jails. It should be connected with courts in neighboring districts too.

- Cases relating to elderly prisoners, female prisoners with children need to be scrutinized quickly, to find out the extent of their involvement and for taking remedial measures.
- Legal Services Authority/Legal Aid Clinics ought to be made more active.
- Progress in individual cases also need to be tracked.
- *Data on appeals filed by prisoners are not maintained properly.*

Authorities ought to make a sustained effort to reduce U/T population, by increased production of UTs through Video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

6. Overstay

It is seen that 65 prisoners (62 male; 03 female) sentenced to Life Imprisonment (LI) have completed 14 years in Central Jail, Vadodara. In Sub Jail, Bharuch out of 20 convicted male prisoners 06 have completed 15 years of Life imprisonment. In Central Jail, Surat out of 648 convicted prisoners 508 are sentenced to LI; 472 are present; amongst the women prisoners 28 are convicted; 27 of them are sentenced to life imprisonment. However data on the number of LI convicts having completed 14 years is not readily available.

In Criminal Appeal NO. 171 of 2016- S.L.P. (Criminal) No. 7701 of 2012 State of Gujarat & Anr. Appellant(s) Versus Lal Singh @ Manjit Singh & Ors.

...Respondent(s) filed against the judgment and order dated August 23, 2012 passed by the High Court of Punjab and Haryana, Chandigarh in Criminal Writ Petition No. 1620 of 2011, a bench consisting of Justices K.S. Radhakrishnan and Madan B. Lokur of the Apex Court observed that *A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate government,*” Many of the prisoners have completed fourteen years in jail and were eagerly looking forward to their release. However, they have to remain in jail, keeping in view the above mentioned orders of the Supreme Court. None of them were able to get remission either.

I have submitted a separate note for consideration of the Commission on the subject pointing out that the above direction of the Apex Court, if uniformly applied to all prisoners, including women, the aged and the disabled would cause

considerable hardship. The State Government ought to sanction remissions in deserving cases liberally to overcome the problem to some extent.

Custodial deaths/jail break/custodial violence

Custodial deaths have been reported in three jails in 2016, except Dang. Vadodara reported (06 deaths); Bharuch (01 death) and Surat (06 deaths) . It is learned that all deaths were due to natural causes. No incident concerning jail break or violence was reported in any of the jails.

7. Incarceration of women

It is generally observed that women are often incarcerated in jail without adequate thought or justification. In most cases they are only co-accused. Some are pregnant at the time of arrest; some have small children with them; often they are separated from their small children and sometimes they are the only bread winners of their families. *Detention of women therefore, should be an exception rather than rule.* If they are detained, they ought to be provided assistance to secure bail. Many of them are illiterate. They ought to be supported with legal aid and legal counseling on priority. Their cases ought to be monitored individually. They also need to be helped to file appeals, when convicted.

8. Status of women prisoners

It is seen that efforts have been made by the State Government to provide better infrastructure and facilities for women prisoners. In Central Jail, Vadodara a modern women's complex with all facilities for both women and their children has been constructed; In Central Jail Surat also better infrastructure is available. In Sub Jail, Bharuch a newly constructed women's ward is ready for occupation. Sub Jail Dang presently has only one room for housing women inmates. Despite better living conditions in jail traditional discrimination against women prisoners persist. Women are generally handicapped by limited cooking/health care /sports/ library facilities. Their access to law is difficult. Adequate attention ought to be paid to the health of women and their children. No Gynecologist or lady doctor is posted in any of these jails. Women's OPD ought to be set up in the women's section. At least an ANM from the nearest health facility ought to be deputed to the prisons. Isolation wards need to be set up for women prisoners too.

While the focus is on offering facilities for higher education, literacy and basic education of women (mostly from poorer sections) are neglected. Their participation in religious/cultural/ sports activities need to be encouraged.

Rights of women prisoners and their children are to be taken care of as per guidelines issued by the Apex Court in RD Upadyay Vs the State of Andhra Pradesh.

9. Mentally ill prisoners

Central Jail Vadodara reported identification of 13 inmates (10 convicted:03 UTs) as mentally ill. A Psychiatrist from SSG Hospital is attending to them. No prisoner (except 01) is identified as mentally ill in Sub Jail, Bharuch. In Central Jail, Surat 38 inmates (33 male :05 female) were reported to be suffering from mental illnesses. 28 among them (26 male;02 female) are convicts and 10 are UTs (07 male:03 female).A Psychiatrist is posted in the jail which is indeed very welcome. In Sub Jail Dang no prisoner is identified as mentally ill.

It may be pointed out that as per directions issued by the Commission mentally ill prisoners ought to be shifted to a mental health facility for proper treatment and care. Although services of Psychiatrists are available, for long term treatment those affected need to be shifted to mental hospitals .The purpose is to provide them a suitable environment which helps their healing.

Prisoners are known to suffer from different mental disorders. Periodic screening of both male and female prisoners therefore, is necessary.

10. Right to education

All three jails have facilities for higher education, both male and female prisoners. Besides, computer training is imparted *to both* which is welcome. However, attention also needs to be given to literacy and basic education too. as many of the prisoners, especially women and members of Scheduled Castes are illiterate (45 of the women prisoners in Central Jail, Vadodara are stated to be illiterate).

11. Right to Health

For health care of the inmates Central Jail Vadodara depends on nearby SSG Hospital for indoor treatment of patients. Sub Jail, Bharuch also depends on local Civil Hospital for health care. In Central Jail Surat a 48-bedded hospital with facilities like Pathology lab, X-ray is set up in the jail campus. Sub Jail, Dang has no medical facilities.

The present set up for health care without having a full-fledged hospital is least satisfactory. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. It is difficult to get timely and satisfactory treatment in over-crowded government hospitals. It was stated that medical camps are being organized in these jails regularly. But medical camps are no substitute for medical care on day to day basis.

In Central Jail Vadodara apart from a physician, a Surgeon and four MBBS doctors are posted. A gynecologist visits the jail periodically. In Sub Jail, Bharuch a medical officer from the Civil Hospital visits the jail twice a week. One of the prisoners is trained as an Attendant. No posts of medical staff or technicians are sanctioned. In Central Jail, Surat three Medical Officers are available round the clock. Besides services of a Physician and one Psychiatrist are also available. No female nurse is posted but services of two male nurses are available.

- A proper well-aired, hygienic and **functional hospital** should be set up both in Central jail, Vadodara and Sub Jail, Bharuch having separate isolation wards. It should have adequate diagnostic facilities .
- **Posts** of medical officers need to be filled up, so also those of supporting staff, wherever vacancy exists.
- **Screening for mental conditions** may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to Mental Health institutions
- A system needs to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases. Each prisoner should be tracked on the basis of his/her health profile.
- **AYUSH medical facilities** should be provided in all four jails, especially to older patients.

12. Vocational training

Vocational training facilities are available in both the central jails. Only limited facilities are available in Sub Jail, Bharuch; there is need to upscale and diversify the activities with the help of reputed NGOs.

It was stated that skilled workers get paid Rs 42/- per day; Semi-skilled- Rs. 36/- and under trials Rs.30/- which are very low compared to the rates notified by states

like Bihar, and HP. In Bihar and Jharkhand prisoners are allowed to keep 1/3 of their remuneration, 1/3 goes to the victim's family and the balance 1/3 for prisoner welfare activities..1/10 share is used for their rehabilitation, which is a good initiative. This practice could be followed in the jails of Gujarat.

13. Prisoner Welfare Facilities

Welfare measures, including liberal sanction of parole, telephone facility, facilities for meeting with family members and canteen facilities help in improving the quality of prisoners' lives.

Communication with family members is very important for prisoners. While telephone facilities are available for both male and female prisoners in central jails of Vadodara and Surat, no such facility is available in Sub jails Bharuch and Dang. Facilities for visitors are available in both central jails. Although Board of Visitors have been constituted in both central jails and Sub Jail Bharuch, it was learned that the Members do not visit the jails regularly. Canteen facilities too are available in the two central jails. Facilities for yoga practice are available only in the two central jails visited. Gym facilities are not available in any of the jails. Sports facilities are available in the two central jails and Sub Jail, Bharuch. It is however, seen that no facilities are available for female prisoners. It was stated that cultural programs regularly organized in three of the jails.

14. Complaints Management

There appears to be a need for having an efficient complaints management system put in place in all four jails. Complaints regarding court cases ought to be brought to the notice of District & Sessions Judge and CJM while on their visits to the jail. Although District Magistrates have been put in charge of jails, it is generally seen that they seldom visit the jail nor have regular communication with prisoners. Prisoner's Durbars need to be organized from time to time. The District Level Committee headed by the District Judge, with DM and SP as members ought to meet every month. Prisoner's complaints, if any, ought to be discussed in that forum. Besides other issues like sanction of legal aid ought to be reviewed.

15. Rehabilitation

Preparing prisoners for their eventual release from jail, equipping them with necessary life skills to enable their rehabilitation, giving emotional support for facing the outside world are onerous tasks for the jail administration. It is, however, seen that no such efforts are being made in any of the jails visited. *Each*

jail ought to draw up a rehabilitation plan for prisoners and organize vocational trainings. In Jharkhand some of the reputed private concerns, after campus visits, are able to recruit them for employment. Other models too could be pursued.

16. Prison Administration

- A comprehensive **modernization plan** for jails needs to be put in place wherever needed. Filling up of vacant posts should get high priority.
- **Delegation and decentralization in jail administration** are very much needed. Items which can be delegated to Superintendents of jail should be identified and delegated quickly.
- Expenditure under all items should be **audited** to find out if any misappropriation has taken place.
- An **untied fund** of Rs.10/- lakh may be provided to Central jails and Rs.05 lakh to district jails and Rs.03 lakh to sub jails for taking up emergency items of works for welfare of prisoners. It should be sanctioned by a committee comprising of DM, SP and Jail Superintendent.
- All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.

16. Use of Solar energy

Use of solar energy for heating and lighting is a boon for prisons as it can enhance the quality of their lives. But for Sub Jail, Bharuch utilizing solar energy for heating purposes none of the other jails have adopted solar lighting or heating. Many jails in the country have switched over to the use of solar energy. It is high time all jails in the state adopt the technology.

17. Services of NGOs

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

18. Budget

Budget allotment is considered to be adequate by the jail authorities of all four prisons. However, Prison Statistics of India reported that as of 31-12-2014 Gujarat spent only Rs.13066/- on food, clothing and medical expenditure per prisoner/annum. This the second lowest expenditure, after Maharashtra (Rs

11917/-) whereas less prosperous states like Jharkhand spend Rs 26,450/- West Bengal Rs.31,255/- and Kerala Rs.25,010 /-.Smaller states like Manipur (Rs 73,815/-) and Arunachal (Rs. 71,890/-) spend much higher amounts.

General

Modern concept of prison management lay emphasis on deterrence and rehabilitation, rather than deterrence alone. It may be mentioned that treatment of prisoners within jails are guided by Standard Minimum Rules for the Treatment of Prisoners adopted by the First United Nations Congress in 1955, and approved by the Economic. and Social Council in May 1977. The rules reaffirm non discrimination and a human rights approach to the treatment of prisoners

As already mentioned, prison administration and management in Gujarat is governed by archaic Acts and rules. A new **Jail Manual needs to be put in place** by incorporating human rights principles and humane treatment of prisoners. It could be based on the Model Jail Manual circulated by Govt. of India.

It is learned that the Manual is under preparation. The proposed Manual may be brought out within a given time frame. Moreover, salient provisions of the new Manual ought to be shared with the prisoners. Jail staff should be properly trained in implementing the provisions of the Manual.

(PTO)

PART-11

.REPORT ON VISIT TO CENTRAL JAIL, VADODARA, GUJARAT ON 15-11-2016

-- S. Jalaja, Special Rapporteur, NHRC

Crime profile of the district

The prevailing criminal Justice system in an area has a direct impact on custodial justice. As per report of National Crimes Record Bureau of (NCRB), 2013, Vadodara district in Gujarat reported a crime rate of **389.5** compared to the National crime rate of **218.67** in 2013. Vadodara District stood **19th** in all crime records in **2013.-57th** in no of murders, **100th** in no of rapes, **24 th** in no of robberies, **37th** in no of thefts, **21st** in no of dacoities, **82nd** in no of kidnappings and **120th** in no of riots. According to NCRB, **16,225** crimes (35.54 % increase over 2012) were reported in Vadodara district out of which 607 were violent

crimes (7.74% increase over 20-12) and 2053 property crimes (21.09 % increase over 2012)..In Vadodara, the highest crime is **Dacoity** whereas lowest crime is **Theft** in 2013.

Jail Profile and history

Central Jail Vadodara was Originally set up as Model Jail by the Maharaja of Baroda late Sayajirao Gaikwad in the land which was made available by SSG Hospital located in the central part of the historic city of Baroda in 1881. It is one of the 04 central jails (Ahmedabad, Baroda, Rajkote and Surat) in Gujarat. It was stated that from the beginning up to now, renovations in the jail were being carried out every year, and 08 new barracks have been added.

Land and infrastructure

The jail has a total extent of 62 acres land, out of which 26 acres form the covered area. 05 acres are set apart for the Women's Jail and 15 acres for Staff quarters.13.86 acres form the open space in the jail campus.

There are altogether 59 large and 37 small barracks which include the jail hospital, kitchen and store. The administrative building is renovated. It was confirmed that all staff have office space and toilet facilities.

Manpower

It is seen that against a sanctioned staff strength of **449, 260** posts are filled up; **189** posts are stated to be vacant.

Shri R.C. Adroja is currently posted as the Superintendent in charge of the jail.

Among the important posts vacant are that of **Superintendent (01)**, Dy.

Superintendent (01), Jailor Gr.1 (01), Woman Jailor (01), Jailor Gr.11 (06),

Administrative Officer (01), Law Officer (01), Office Superintendent (01), Head

Clerk (01), Sr. clerk (10 male + 01 Woman Clerk) and Jr. Clerk (12+01 woman

clerk). Amongst the medical staff only one post male nurse, a Pharmacist, Dresser and an ECG Technician are vacant; the rest are seen filled up.

Out of sanctioned posts of 332 security staff only 210 are filled up; 122 posts are vacant. The vacant posts include 09 posts of Subedar (01 Woman Subedar); 10 posts of Havaldar (06 Women Havaldars);78 posts of Sepoys (14 women Sepoys) and 04 posts of Sepoy-cum-driver.

It was stated that some recruitments were made twice recently. Nevertheless, all posts, especially the critical posts, need to be filled up quickly.

Jail capacity and occupancy Against a sanctioned capacity of **1165** (**955** male and **210** female), **1426** (**1348** male and **78** female) prisoners are accommodated in the jail. 04 children (03 boys and 01 girl) are staying with their mothers. No pregnant women prisoners were reported to be present. As the prison population exceeds the capacity sanctioned there is over-crowding in this jail.

Category-wise details of prisoners

It is seen that under trial and convicted prisoners have been segregated in this jail. Category-wise prisoners reported were as follows :-

- Out of a total population of **1426** prisoners, **894** prisoners are convicted prisoners (804 male; 54 female). **501** are (482 male; 19 females) under trial prisoners. 31 (26 male; 05 females) are detenué . There were no prisoners of NDPS/ foreigners categories lodged in the jail. It was stated that no extremist prisoners are lodged in the jail.
- 11 prisoners face death penalty; 11 prisoners are accused in Godhra riots and 20 prisoners are sentenced to Life Imprisonment.
- 28 male and 08 female prisoners belong to Scheduled Caste communities.
- 25 of the male and 08 of the SC category prisoners are between the age groups of 20-60; only 03 each are of age above 60 years.
- As per report from the jail authorities out of 838 convicted prisoners undergoing various sentences, 513 prisoners are sentenced u/s 302 IPC; 34 u/s 392 to 402 IPC; 06 prisoners u/s 379/380 IPC; 103 prisoners u/s 376 IPC; 72 cases u/s 307 IPC; 20 cases of 498; 16 cases u/s NDPS etc.

Under-trial Prisoners

Unlike in other jails visited under trial prisoners constitute only 33% of the prison's population. It is possible that convicted prisoners from jails in the neighborhood have been transferred to this jail for purpose of safe custody. The jail administration has not provided details regarding length of stay of under trial prisoners in jail. It was stated that regular production of prisoners before courts is not a problem, as escorts are available.

Authorities ought to make an effort to reduce U/T population, by increased production of UTs through Video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

Condition of prisoners.

I visited some of the wards and had interactions with the inmates. The Juvenile ward accommodates 68 (all male) prisoners of age group 19-21. One of the Wards visited has around 31 prisoners against a sanctioned capacity of 21. Ward no.11 which is located in the old portion of the jail accommodates 27 prisoners against a sanctioned capacity of 21. It had 04 large barracks and a small one. The roof had tin sheets fitted with tiles and the floors are paved with stones. The wards were generally clean and had enough ventilation. Lights and fans were in working condition. The condition of toilets was satisfactory. Drinking water was available. TV sets have been provided in every ward. It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc. The prisoners stated that they had no complaints.

I spoke to some of the inmates. Ketan Mistry from Anand district is booked u/s 302 and has spent more than 10 months in jail. He complained that *he has not been provided legal aid*. Karan Lohar 40 has a case registered against him u/s 307. He also complained about not knowing about legal assistance provided to him. Mahesh Gadvi stated that he completed 15 years of LI. He wanted NHRC to help him get his release order. Mohammed Shariff Rana 56 is lodged in the High Security area of the jail. He is a Pakistan national and has been in jail for the last 24 years. He was booked under Arms Act for transporting illegal weapons. On inquiry he stated that he had no complaints. Goabhai Nagiba Rabari 42 is allegedly involved in a murder case and has spent 16 years in jail. Md.Bashir is from Kashmir. He is booked in a NDPS case. 04 under trials were also lodged in the area and they have spent 02 months in jail. I could not speak to Godhra- riot accused since it was stated that they are mixed with others.

Women Prisoners

A new Female prison at Vadodara is the first fully constructed (in 2013) female prison complex in Gujarat. 78 female prisoners are lodged in this complex in the

jail. Four children (03 boys/01 girl) below 06 years of age are staying with their mothers. As mentioned no pregnant women was present .

The female ward is presently located in a building which was built around 02 years ago. The ward has a capacity of 21 against which 15 prisoners are staying. The walls of the ward are painted with colorful pictures. The floor is paved with quota stones. The bathroom and 02 toilets inside were in good condition. Lights and fans were also in working condition. Wards had sufficient ventilation. A TV set is installed for their entertainment.

It is reported that 54 out of 78 women prisoners are convicts out of which 45 female prisoners are convicted for murder (302 IPC etc); 01 u/s 392 to 402; 04 u/s 363,366,376 IPC; 01 under NDPS and 03 u/s 304 IPC 1&2. Rest are under trials.

I spoke to some of the prisoners. Savitaben 36 stated that she has 04 children. Three of them stay at home. One 04 year old boy is staying with her. She has filed an appeal in the High Court. Radhaben 24 has a case u/s 302 IPC registered against her. According to her, her whole family is booked in the same case. She has one male child staying with her. She also has filed an appeal in the High Court. Shobhaben 30 is from Surat and is allegedly involved in a kidnapping case. She has three children, one with her and two at home. It is not clear why she has to be detained for a long period in the jail. Sheila Devi 26 is from Surat. She has a male child with her. She has been booked u/s 336 IPC.

It is seen that computer room, rooms where *Sarva Siksha Abhiyan* is run and the Anganwadi are located together in a single block. *45 of the women prisoners were stated to be illiterate.* It was stated that special classes are being conducted for them. The only sanctioned post of teacher is reportedly vacant. A post of nursery teacher is also reported to be vacant. It is good to see that women who are literate have enrolled in large numbers in various courses run by the university (details given in the section on Education). Besides 60 women were also given training in computer within the jail premises. This also is indeed a welcome step (Most of the jails I have visited organized computer training only for male prisoners). There is need to have a small library within the women's section with books, magazines and newspapers on subjects of interest to them.

It was stated that all 04 children received vaccination. They get milk and fruits daily. One teacher is engaged to take care of them. Toys have been provided to children.

As for health care of women prisoners is concerned, women's section has a separate 'hospital' daily attended by a doctor. Daily OPD reported was around 20.. It was stated that no regular Gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children although a Gynecologist is said to visit the jail. Two regular women nurses are, however, posted. Female OPD is managed by male MO s.

As far as vocational training of women prisoners are concerned, at present training in washing powder/ phenyl making (40 women), sewing (60 women) beautician's course (60) is being provided . But no sports activities are, however, being organized for women prisoners.

Counseling for women is provided by Surat Citizen's Council, an NGO. 15 days parole is given for Diwali.

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4 2006) has issued detailed guidelines on the care of women and children incarcerated in jails. These guidelines ought to be strictly followed.

Mentally ill prisoners

Mentally ill prisoners are kept in a separate barrack, which is in poor condition. Sufficient ventilation is available. Tube lights are insufficient. 13 prisoners- 10 convicts and 03 under trials are *stated to be under observation*. It was stated that a psychiatrist from the SSG hospital visits the jail regularly.

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc It is surprising that with a population of around 1500 prisoners the jail administration has not been able to identify a single prisoner as mentally ill. It would appear that no proper screening for mental illness is conducted at the time of admission or subsequently, on regular basis.

Custodial Deaths /violence

It is reported by jail authorities that 06 prisoners died in custody in the last three years, *all due to natural causes* while undergoing treatment at the SSG Hospital. The names of diseased under trial prisoners were reported as Manibhal Jethabhai (28-5-2014), Ratansing Dhulabhai (1-4-15), Ashok Ranjitbhai (16-9-15), Rakesh Muljibhai (7-5-16) and Rama Mathurbhai (29-10-16). One woman prisoner named Maniben Danabhai, under trial prisoner, died on 27-6-14. Two of the *convicted* prisoners namely Kantibhai Chhitabhai and Lalu Khemabhai died on 10-4-2014 and 16-5-2015 respectively. It was stated that reports in all cases have been sent to NHRC.

Escape of prisoners/jail break

No such incident was reported in the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that Municipal Corporation of Vadodara is providing pipe water supply to the jail. Besides a boring is available inside the jail. 04 RO systems are installed, including 02 for jail staff and 01 for women prisoners. As far as sanitation facilities are concerned every barrack has 02 toilets, but no bathrooms. Every yard, however, has 03 toilets and 01 bathing platform each. The man- to - toilet ratio is reported as 20:1. The toilets were generally kept clean.

Power Supply

24 hour power supply is available in the jail. Two generators of 180 KV /7.4 KV capacities are installed as back up.

Food supply

The Jail kitchen appeared to be in good condition, as it has been renovated recently with the help of United Way, NGO. The kitchen has a unique circular design. Ventilation is available. Exhaust fans are fitted on the walls. A deep freezer is available for storing milk and other perishables. Tap water supply is available for cooking, washing and cleaning purposes. Water is seen stored in a huge storage tank. Pipeline gas supply is available for cooking. A LPG based *roti*-maker is installed with the help of which *roti* is rolled out and cooked. It was stated that

gram for 03 days)/peanuts (4days) with gur (jaggery) are served for breakfast and dal/vegetables/ roti and rice or kichdi for lunch /dinner. Tea also is served twice. Food served to the prisoners is on calorie basis. Sweets are served every Sun day and holidays and national festivals and salty snacks once in every 15 days, curd and ghee on Sundays. Per head cost of food was reported as **Rs.34.60/-** only, which is indeed very low.

Although two posts of cook have been sanctioned, both posts are stated to be vacant. The prisoners work in two shifts of 20 each in the kitchen. They are paid Rs.42/-per day as remuneration. This needs to be hiked. Passbooks are maintained.50% of the payment is given to prisoners as cash and the balance is kept back as saving. No practice of victim compensation is followed in Gujarat ,as in Bihar and Jharkhand.

It was stated that vegetables for use in the kitchen are produced in 5-6 farms maintained in the jail campus.

Education

Although it was stated that *Sarva Siksha Abhiyan* (SSA) is being implemented, no regular teachers are deputed to the jail. Prisoner volunteers are stated to be engaged in educating the illiterate. They are also trained.

The jail has tie- ups with IGNOU and the Ambedkar University. They enroll 1500 students every year, including women prisoners. Courses include Bachelor Preparation Program, Graduation, and Master's Program. One prisoner reportedly passed MBA being conducted by IGNOU. It was stated that almost all of those enroll for various courses pass the exams. The universities provide teachers.102 male prisoners and 36 female prisoners were enrolled in BPP (Bachelor Preparatory Program), 12 male and 03 female prisoners in BA, and 01 male prisoner in M.S.W (Master of Social Welfare) during 2015. In all, 234 prisoners are enrolled in these programs, including certificate courses..

119 male and 41 prisoners also are enrolled in various Certificate courses. Among 225 registered with IGNOU in 2016, 200 are male (123 UT and 77 convict) and 25 are female (09 UT; 16 convicts) prisoners. Similarly 49 male prisoners (15 Ut;34 convicts) and 15 are female prisoners (09 UT;06 female) are enrolled in Baba

Saheb Ambedkar Open University. While emphasis on higher education is welcome, it is necessary to provide basic education to those who are illiterate or semi literate. Regular teachers ought to be deputed.

Health care

A 'hospital' is set up in the jail, but without indoor facilities. The jail depends on the nearby SSG Hospital for indoor treatment of patients. A ward is reserved in SSG Hospital for patients from the jail.

The dispensary and library are co-located in the same block. The three blocks of the hospital needs repair and renovation. Apart from a physician, a Surgeon and four MBBS doctors are posted in the hospital. A gynecologist visits the jail periodically. Against two sanctioned posts of male nurses only one is filled up. Among the three posts of technicians, the posts of Lab technician and x-ray technician are vacant; only an ECG technician is posted instead. Single post of Dresser is also vacant. A Pharmacist also ought to be posted.

It was pointed out that the hospital has many important equipment like x-ray machine, Sonography (under repair), semi-auto analyzer, ECG machine, Dental x-ray etc.

As already mentioned 13 prisoners are under observation for mental illnesses. One UT is suffering from cancer; three convicts are diagnosed as having hypertension. Two prisoners are under observation for TB. Only one UT prisoner Manubhai Bhatubhai is reported to be physically challenged.

Medicines are obtained through indents from the Civil Hospital.. It was reported that there is no shortage of medicines at present Individual medical records of prisoners need to be maintained ; they also need to be computerized.

The present set up for health care without having a full-fledged hospital is least satisfactory. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. It is difficult to get timely and satisfactory treatment in over- crowded government hospitals. It was stated that medical camps are being organized every Wednesday in the jail regularly. But medical camps are no substitute for medical care on day to day basis. Since services of sufficient number of doctors are available in the jail, a full-fledged hospital ought to be set up

without any further delay. Civil surgeon, Vadodara ought to visit the jail at least once a month.

Video-conferencing

Video-conferencing facility is available in the jail, *but is not connected with courts outside the districts*. It was stated that 12-15 prisoners are produced before the courts through video conferencing, on daily basis. The number and quality of production of prisoners through video-conferencing need to be improved.

Legal Aid

It was stated that legal aid is being provided to prisoners. District Legal Services Authority is stated to be active. Every Friday 02 advocates (male) visit the jail and provide counseling and legal aid. It was stated that 200 convicted prisoners were provided with legal aid so far. District Legal Services Authority needs to be actively involved in legal counseling and assistance to the inmates as it is seen that a good number of prisoners are languishing in jail as under trials.

Sanction of bail

It was stated that appeals have been filed by all convicted prisoners and that no prisoner is languishing in jail after getting bail, for want of sureties.

Lok Adalats

It was stated that *Lok Adalat* are not being organized. This should be taken up on priority.

Parole/ Remission

It was stated that parole is sanctioned as per rules and that 04 prisoners were on parole and another two on furlough. 2 prisoners who were on parole and furlough have not yet returned. Paroles ought to be sanctioned to those who are convicted on regular basis.

It was stated that Remission is sanctioned as per rules and that no case of Remission is pending at present.

Overstay

It was stated that 65 prisoners sentenced to LI have completed 14 years in prison. In Criminal Appeal NO. 171 of 2016- S.L.P. (Criminal) No. 7701 of 2012 State of Gujarat & Anr. Appellant(s) Versus Lal Singh @ Manjit Singh & Ors.

...Respondent(s) filed against the judgment and order dated August 23, 2012 passed by the High Court of Punjab and Haryana, Chandigarh in Criminal Writ Petition No. 1620 of 2011, a bench of Justices K.S. Radhakrishnan and Madan B. Lokur of the Apex Court observed that *A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate government,*” Many of the prisoners have completed fourteen years in jail and were eagerly looking forward to their release. However, they have to remain in jail, keeping in view the above mentioned orders of the Supreme Court. None of them were able to get remission either. I have submitted a separate note for consideration of the Commission on the subject.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (02 for male and 01 for female prisoners) are available to prisoners for communication with their families. Prisoners are allowed 15 minutes of interaction with their family members.

A waiting room with barbed fencing is set apart for visitors. Visitors time is fixed from 9 am to 12 noon and 4pm to 06 pm.

Board of visitors

It was learned that a visitor's Board has been constituted for the jail, but makes visit to the jail only once in three months. The Board needs to be activated.

Complaints management

Complaint boxes have been installed to receive complaints from prisoners. This is insufficient. There is every need to have prisoner's Durbar in which the District Collector and SP participate. They ought to have periodic interaction with the prisoners.

Library

A library with around 8333 books is set up in the jail for use of prisoners. The collection is said to include books in English, Gujarati, Hindi Urdu and Arabic. 15 magazines are also subscribed by the library.

The jail ought to have a library within the female section too.

Cultural programs

It is seen that the only post of Music teacher is vacant.

It was learned that cultural programs are being regularly organized in the jail. Women inmates also organize such programs.

Sports Outdoor games like volley ball are played by the prisoners. Indoor facilities for playing chess and Carom are available. However, no sport facilities are available to women prisoners.

Religious activities

It was stated that religious activities are organized in the jail. Prisoners are allowed to have their own religious practices.

Yoga/Gym

Facilities for practicing Yoga are available. But the single post of Yoga teacher is vacant. Training is provided with the aid of organizations like Brahm Kumaris and Art of living.

Recreation It is seen that color TV sets have been provided in all wards for the entertainment of prisoners. In all 39 color TV sets and 02 black and white are available. Canteen facilities are also available in the jail. 40 news papers are being supplied to prisoners in different languages, including English, Hindi and Gujarati. Urdu papers also need to be subscribed, if not already done.. Women prisoners also need to be supplied news papers.

Vocational Training

Vocational training is taken up in various trades, including electrical repairs (wireman's course- 75 male trained), Masonry (75 male), plumbing (25 male), two wheeler repair (80 male), electrical repair, computer repairs and basic computer

training (160). For women prisoners washing powder, soap and phenyl- making (40 female) garment making 60 female) and beautician's course (60 female) are taken up, besides jewelry making/wedding card designing etc. In all training has been provided in various trades to 635 prisoners (415 male; 220 female). The products are supplied to jails, Government offices and public through sale. Prisoners have been provided with masks and other gears while working with chemicals. Older prisoners also need to be engaged in easy items of work.

it is seen from reports the posts of Bakery Instructor, Compositor(1/2), Machine man (1/2), are vacant, although 03 posts of Binder, one post of Machine man and one Proof Reader are seen filled up. As for women trainers, posts of Master Trainer of Tailoring and one post of Jr. Tailor are vacant. These vacancies ought to be filled up quickly.

Jail Canteen

It is seen that canteen facilities are available to the inmates.

Drug De-addiction program

No Drug De-addiction program is being organized in the jail. However, one NGO visits the prisoners to create awareness, provide counseling and assistance if needed.

Role of NGOs

Services of Non Governmental Organizations (NGOs) are being utilized. Baroda Citizen's Council provides counseling and legal assistance. It runs a family counseling center with the support of Central Social Welfare Board. 02 counselors are engaged by the NGO. Verdant, another NGO organizes computer training to prisoners.

Inspections

It was stated that regular inspections are conducted by the authorities. District Judge, Surat visits the jail once a month. CJM visits the jail every week. Besides, regular inspections are being carried out by IG (prisons), DIG (Prisons) and other senior officials.

Security

The perimeter wall of the jail is 29 ft high with five feet high live wires around . The wall has 05 watch towers. A circle security tower constructed by the Maharaja is a unique feature of the jail.

As mentioned against 332 sanctioned posts of security personnel, only 210 security staff are in position. 122 posts are vacant. Since this is a high security jail all posts need to be filled up. Security arrangements -both external and internal-need to be periodically assessed.

Solar Lighting

Many jails in the country have shifted to alternate energy uses for a variety of purposes'. Solar lighting/heating have been not yet been introduced so far in the jail.

Training

It is very important to train Jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It is learned that Gujarat National Law University, Gandhinagar, is the in service refresher training hub for Gujarat Prison Officials and is run with BPR&D assistance.

Budget

It was confirmed that sufficient funds are available for jail activities.

It was reported that against a grant of Rs 3.16 crores (non-plan) for the period April-October 2016 a sum of Rs. 2.1 crores have been spent. Against a grant of Rs.4.5 crore received under Plan for the same period Rs.3.02 crore have been spent.

To ensure more efficiency it would be useful to allow the jail to have Rs.10 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Modernization

A proposal for construction of a new jail at Paswa village, Sawli Taluka is under process. A sum of Rs. 45 crore has been provided in the budget. At present, estimates for wire-fencing of the land are being made.

Observations/ Recommendations:-

General recommendations/suggestions have been included in part-1 of this report. However, specific recommendations in respect of this jail are summarized below:-

1. Posting a regular Jail superintendent
2. Up gradation of infrastructure/plan for modernization/Construction of new jail within a specific time-frame
3. Filling up of vacancies
4. Posting additional security staff
5. Reducing under trial population/regular production before courts
6. Up-gradation of hospital/Lab facilities
7. Adequate treatment for mental illnesses
8. Posting of ANM
9. Women prisoners/children-full compliance of SC-directions
10. Setting up modern Telephone Management System/introduction of E.mulakat
11. Put in place a Complaint management system
12. Sanction of untied funds
13. Involvement of additional NGOs in various activities
14. Introducing solar lighting/heating

15. Regular inspections

16. Training of jail officials and staff in human rights issues concerning prisoners

(PTO)

PART-111

REPORT ON VISIT TO SUB JAIL, BHARUCH, GUJARAT ON 16-11-2016

-- S. Jalaja, Special Rapporteur, NHRC

Crime profile

Criminal justice system prevailing in any place has an impact on custodial justice. As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 2576 crimes, Bharuch district in Gujarat stood 288th in all crime records in India. It reported a crime rate of **177.69** compared to the National crime rate of **218.67** in 2013. **It reported 109th** position in no. of murders, **121st** in no. of rapes, **115th** in no of robberies, **117** in no of thefts, **36 th** in no. of dacoities, **182nd** in no. of kidnappings and **208 th** in no. of riots.

According to NCRB, out of **2756** crimes (0.91% increase over 2012) reported 160 were violent crimes (5.63% increase over 20-12) and 577 property related crimes (26.5 % increase over 2012).. In Bharuch the highest crime is **Dacoity**, whereas lowest crime is **Theft** in 2013.

Jail Profile and history

As per Sec. 59 of the Prisons Act, 1894 sub jails are categorized as those having accommodation to lodge not more than 250 prisoners.

Originally set up in 1959, **Sub Jail**, Bharuch, was established in the present premises (Mohamedpura) on 17-10-1977. It was stated that due to low occupancy, it has not been upgraded to as District Jail so far.

Land and infrastructure

The jail has a total extent of 25 acres, out of which 08 acres were stated to have been transferred to the police Dept. 05 acres form the covered area of the jail.. Office buildings occupy 02 acres. Balance 10 acres are unused.

There are altogether 13 wards, including the female ward. Of the 12 male wards 11 are new. One of the two old halls is used as kitchen. The old building were in run down condition.

Manpower

It is seen that against a sanctioned staff strength of 26, 17 posts are filled up; 09 posts are stated to be vacant.

Shri L.M Rathod is posted as the Superintendent of the jail at present. Although most of the sanctioned posts are seen filled up, *posts of Medical Officer, Nursing Orderly and Pharmacist have not been sanctioned so far.* Out of sanctioned posts of 22 security staff only 15 are filled up.

Jail capacity and occupancy Against a sanctioned capacity of 205 (200 male and 05 female), 348 (314 male and 14 female) prisoners are accommodated in the jail. 01 girl child is staying with her mother. No pregnant women prisoners were reported to be present.

Category-wise details of prisoners

It is seen that under trial and convicted prisoners have not been segregated in this jail. Category-wise prisoners reported were as follows :-

Out of 20 convicted male prisoners 06 have completed 15 years of Life imprisonment. 14 are undergoing Simple Imprisonment. Among the female prisoners none were convicted. All 14 were under trials. Civil prisoners were reported as nil. There were no prisoners of NDPS/ foreigners and detenue categories lodged in the jail. It was stated that no extremist prisoners are lodged in the jail.

Under-trial Prisoners

Being a sub jail under trials constitute majority of the prison's population (about 94-95 %).

It is reported that out of 328 under trials 314 are male and 14 female prisoners. As per report of the jail administration regarding length of stay of under trial prisoners

in jail, 241 prisoners have stayed up to one year; 61 prisoners for 1-2 years; 17 prisoners for 2-3 years; 05 prisoners for 3-4 years and 04 above 04 years. *Vinod Ratilal Vasava, Gajendra Ram Singh Vasava, Champak Ganpat Vasava, Manish Shanker Chuhan* have spent more than 04 years in jail as under trials. *Rajesh Manubhai Vasava, Ravidas Kabai Vasava, Jaimin Ratilal Patel, Budha Sombhai Vasava, Rohit Ahaisingh Sing* have spent 3-4 years in jail.

Authorities ought to make a determined effort to reduce the U/T population, by increased production of UTs through Video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

Condition of prisoners.

I visited some of the wards and had interactions with the inmates. Each Ward has a sanctioned capacity of 25; around 20 prisoners are accommodated in each. Out of 12 wards 11 are new. The old ward is in a run-down condition. The wards were generally clean and had enough ventilation. TV sets have been provided in every ward. Lights and fans were in working condition. The condition of toilets was satisfactory. Drinking water was available. Prisoners are also provided all essential items of daily use like clothing, linen, blankets, mat, towels etc.

I spoke to some of the inmates. Sajid Husen Umar Farukh Arab 26 is booked u/s 307 and under sections 399, and 400 Arms Act. He has 7 cases against him. He has spent more than 05 years in jail. Mahesh Jeshangbhai is *below 18 years of age* and a case u/s 376 IPC is registered against him. Jail authorities ought to have conducted age verification before admitting prisoners in jail. With the permission of the concerned court he ought to be transferred to an Observation Home. Md. Abdul Manan 40 is an under trial for *the last 05 years*. Patel Jamin Ratilal Patel 40, with a case registered against him u/s 302 *has spent 04 years* (admitted on 5-4-2013) so far. It was pointed by other prisoners that Vijay Becharbhai Makwana, one of the inmates, *is refusing to take any food*. He ought to be shown to a medical professional for advice. Rajesh Manubhai Vasava 30, booked in a murder case has been in jail for the last 04 years. He complained that his case has not been coming up before the courts for the last 09 months. Gajendra Ram Singh Vasava 32 is also allegedly involved in a murder case. He spent 4 1/2 years in jail. *He complained that judgment in case has not been issued in the last two years*. Rohit Ajay Singh 22 has a case u/s 376 IPC registered against him. Jail authorities ought to look into

his case without any delay. The matter ought to be brought to the notice of the CJM/DJ. He has spent 03 years (admitted on 22-9-2013). in the jail.

Women Prisoners

14 female prisoners are lodged in the female ward in the jail. Only one girl child is residing with her mother. No pregnant women were present. The women are lodged in two cells of 18x18 and 12x14 feet size. The female ward is presently located in an old building which is in a run-down condition. Bathrooms and toilets also need renovation. There is sufficient ventilation in the rooms. No separate kitchen is available in the ward. A TV set is installed for their entertainment. It was stated that the new women's ward constructed is ready for occupation. Female prisoners are to be shifted to new wards shortly.

It is seen that all female prisoners are under trials. Surprisingly barring one or two rest are allegedly involved in *murder cases*. Sumitraben Mukeshbhai Vasava 35 is in jail for the last two years. She, along with her husband are jointly involved in a murder case. She stated that her husband got bail from court. She ought to be provided legal aid. While in jail she delivered a baby in the civil Hospital. Madhuben Shankarbhai Vasava 65 is also booked under U/s 302; She has been in jail for the last ten months. Shahinaben Jahir Pathan was admitted on 29-9-15 to the jail. She also is booked in a murder case. Kusumben Joshi is in jail since 24-6-2015. A case u/s 302 IPC is registered against her. Sumanben Shaileshbhai Raj has spent more than an year and half in jail. She is also facing a a murder case. The women stated that they have no complaints about food or other basic facilities. Although women prisoners stated that they all have lawyers, it is seen that some of them have already spent more than an year in jail.

It is seen that no teachers are deputed for teaching women prisoners or their children. It was stated that no Gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children. *No lady doctor visits the jail.* OPD is managed by male MO s. No regular nurses are posted. The administration ought to have ensured the presence of an ANM by deputation from the nearest health facility.

As far as vocational training of women prisoners are concerned, at present only training in stitching is being provided to them. No sports activities are being organized for women prisoners.

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4 2006) has issued detailed guidelines on the care of women and children incarcerated in jails. These guidelines ought to be strictly followed and basic facilities provided to women prisoners and children staying with them..

Mentally ill prisoners

It was stated that at present no prisoner is identified as mentally ill. However, I met one Kasam 60 who is stated to be mentally ill. He needs to be shifted to a mental hospital for proper treatment.

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc It is surprising that with a population of around 350 prisoners the jail administration has not been able to identify a single prisoner as mentally ill. It would appear that no proper screening for mental illness is conducted at the time of admission or subsequently, on regular basis.

Custodial Deaths /violence

It is reported by jail authorities that only one prisoner died in custody in the last three years. He died while undergoing treatment at the SSG Hospital Vadodara for Diabetes and hyper Tension.

Escape of prisoners/jail break

No such incident was reported in the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply is currently being provided in the jail with the help of two bore wells, a sump and an overhead storage. Water quality tests are apparently not being carried out. RO system is installed is not functional. District Collector has apparently provided grants for its repair.

As far as sanitation facilities are concerned 15 toilets are said to be available which were generally kept clean. Only bathing platforms are available for male prisoners.

Power Supply

24 hour power supply is available in the jail. A generator is installed as back up.

Food supply

The kitchen is set up in one of the old halls. Pipe water supply/ boring is available for cooking, washing and cleaning purposes. LPG is available for cooking. It was stated that *gram/peanuts with gur (jaggery)* are served for breakfast and *dal/vegetables/ roti* and rice or *kichdi* for lunch /dinner. Tea also is served twice. Food served to the prisoners is on calorie basis. Sweets are served once in every 15 days and on national holidays curd and Ghee on Sundays. Per head cost of food was reported as Rs.48/- only.

Education

Although it was stated that Sarva Siksha Abhiyan (SSA) is being implemented, no regular teachers are deputed to the jail. The jail has tie ups with IGNOU and the Ambedkar University. 107 male prisoners were enrolled in BPP (Bachelor Preparatory Program), 02 prisoners in B.Com, 07 in BA, 04 in BBA (Bachelor of Business Administration) and 07 prisoners in M.S.W (Master of Social Welfare). In all 127 prisoners are enrolled in these programs. 21 male prisoners also are enrolled in Certificate courses, management programs and Bachelor Art courses. 12 prisoners have registered for courses run by Bhrahma Kumaris Annamalai University. However, it is seen that none female prisoners are enrolled in any of these programs.

While emphasis on higher education is welcome it is necessary to provide basic education to those who are illiterate or semi literate. Regular teachers ought to be deputed. Volunteers from among convicted prisoners-both male and female could be trained.

Health care

The jail depends on the local Civil Hospital for health care of the prisoners. But for a dispensary no hospital is seen set up in the jail. The dispensary and library are co-

located in the same block. A medical officer from the Civil Hospital visits the jail twice a week. One of the prisoners is trained as an Attendant. OPD attendance was reported as 30/day. *No posts of medical staff or technicians are sanctioned.* A pathological lab is also not set up. This set up is least satisfactory. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. There is no separate arrangement for women prisoners and their children. Besides, it is difficult to get timely and satisfactory treatment in over-crowded government hospitals.

It was stated that medical camps are being organized in the jail regularly. The last camp was organized in April, 2016. Then 115 prisoners, including 06 female prisoners were examined and those diagnosed with diseases were referred to the Civil Hospital, Bharuch for treatment. But medical camps are no substitutes for hospital care on day to day basis. A regular medical officer should be posted quickly without any further delay. If it is not possible to post a lady doctor at least a nurse from the nearest health facility ought to be deputed for the care of women prisoners and children. A Pharmacist also ought to be posted. One of the convicts also needs to be trained in health care as Para-medic.

It was stated that two prisoners who were transferred from Central Jail, Surat were diagnosed with TB. One of them already was under treatment. Now his son is also reportedly suffering from it. No case of Malaria or HIV/AIDS was reported.

Medicines are obtained through indents from the Civil Hospital. It was reported that there is no shortage of medicines at present. Civil surgeon, Bharuch ought to visit the jail at least once a month. Individual medical records of prisoners need to be maintained ; they also need to be computerized.

Video-conferencing

Video-conferencing facilities are available in the jail, but are not connected with courts outside the districts.. It was stated that only 3-4 prisoners are produced before the courts through video- conferencing, on daily basis. The number and quality of production of prisoners through video-conferencing need to be improved.

Legal Aid

It was stated that legal aid is being provided to prisoners. From January to September, 2016, 58 prisoners, including 05 female prisoners were reportedly provided legal aid. District Legal Services Authority needs to be actively involved in legal counseling and assistance to the inmates, as it is seen that a good number of prisoners are languishing in jail for years together as under trials

Sanction of bail

It was stated that no appeals have been filed by any of the prisoners and that only one prisoner is languishing in jail after getting bail, for want of sureties. His case ought to be taken up on priority.

Lok Adalats

It was stated that although the CJM visits the jail, *Lok Adalats* are not being organized. This should be taken up on priority.

Parole/ Remission

It was stated that no prisoner was on parole at the time of visit, except a woman prisoner with a child. Paroles ought to be sanctioned to those who are convicted on regular basis. No case of Remission is stated to be pending at present.

PCOs/Telephone facility/waiting room/visitors

It is seen that *no telephone facilities/PCOs are available* to prisoners for communication with their families. A modern PCO facility ought to be installed in the jail without any further delay. In the absence of the facility, prisoners are bound to use mobile facilities illegally. This also encourages corruption.

Board of visitors

It was learned that a visitor's Board has been constituted for the jail, but has not made any visit to the jail so far. The Board needs to be activated.

Complaints management

Complaint boxes are installed to receive complaints from prisoners. This is insufficient. There is every need to have prisoner's Durbar in which the District Collector and SP ought to have periodic interaction with the prisoners.

Library

A small library with around 1500 books is set up in the jail for use of prisoners.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail. Women inmates also organize such programs.

Sports Outdoor games like volley ball are played by the prisoners. Indoor sports facilities for playing chess and Carom are available. However, no sport facilities are available to women prisoners.

Religious activities

It was stated that religious activities are organized in the jail. Prisoners are allowed to have their own religious practices.

Yoga/Gym

Facilities for practicing Yoga are at present not available. It is planned to train one or two volunteers from among the prisoners. Care ought to be taken that it should be organized on voluntary basis. Training ought to be provided to women prisoners. No Gym is available.

Recreation It is seen that color TV sets have been provided in all wards for the entertainment of the prisoners. Canteen facilities are not available in the jail. 03 news papers are being supplied to prisoners.

Women prisoners also need to be supplied news papers.

Vocational Training

Vocational training is limited to stitching, Agarbati- making and wax work. Training in electrical repair is also undertaken. Vocational training needs to be up scaled and diversified.

Drug De-addiction program

No drug De-addiction program is being organized in the jail.

Role of NGOs

Services of only one Non Governmental Organization (NGO) called Prayas is being currently utilized. It provides counseling and legal assistance, medical care etc

Inspections

It was stated that regular inspections are conducted by the authorities. District Judge visits the jail once a month. CJM visits the jail every week. Besides, regular inspections are being carried out by IG (prisons), DIG (Prisons) and other senior officials. Last inspection was by the IG of Prisons in June, 2016. DM visits the jail once in three months.

Security

The perimeter wall of the jail is 17ft high, secured with live wires. No CCTVs are seen installed in the jail. Only two watch towers are manned. There is, however, need to sanction more posts of security staff. Security arrangements -both external and internal-need to be periodically assessed.

Solar Lighting

Solar heating has been introduced successfully in the jail and is stated to be functional for the last 03 years. No solar lighting is however, taken up so far.

Training

It is very important to train the Jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. Assistance of reputed institutions may be taken in this regard.

Budget

It was confirmed that sufficient funds are available for jail activities. It was reported that against a grant of Rs 94.83 lakh (non-plan) for the period April-October, 2016, a sum of Rs. Rs 66.40 lakhs has been spent. Against a grant of Rs.9.5 lakh received under Plan for the same period Rs.69.66 lakhs have been spent.

To ensure more efficiency it would be useful to allow the jail to have Rs.03 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners,

including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Modernization It was stated that 10 new barracks have been constructed in the jail. A new kitchen and dispensary have also been constructed. Anganwadi and the meeting hall have also ready for occupation. Internal roads have been renovated.

Instead of taking up constructions in a piece-meal fashion, it is necessary to have a comprehensive plan for the entire jail.

Modernization implies not only that of physical infrastructure bur also provision of facilities for mental and spiritual development of prisoners.

Observations/ Recommendations:-General recommendations/suggestions have been included in part-1 of this report. However specific recommendations in respect of this jail are summarized below:-

1. Preparation of a plan for modernization
2. Filling up of vacancies
3. Posting additional security staff
4. Reducing under trial population/Regular production before courts
5. Up-gradation of hospital/Lab facilities/posting of Doctors and medical staff
6. Screening for mental illness/TB Malaria/HIV/AIDS
7. Posting of ANM
8. Women prisoners/children-full compliance of SC-directions
9. Setting up Telephone System/meeting with visitors
10. Put in place a Complaint management system
12. Vocational activity-up-scaling/diversification

13. Sanction of untied funds
14. Involvement of NGOs in various activities
12. Counseling of prisoners with the help of reputed institutions
15. Training of jail Officials and staff in human rights issues concerning prisoners

PART- IV

REPORT ON VISIT TO CENTRAL JAIL, LAJPORE, SURAT, GUJATAT ON 17-11-2016

I visited Surat district of Gujarat 17-18 November, 2016 with the objective of making an assessment of the status of human rights in the district. I also visited Central Jail, Lajpore. Started as a Sub jail in 1959 it was upgraded as District Jail on 1-1-68, and as Central Prison on 25-03-2012.

Crime profile

Custodial justice is invariably linked to the crime profile of a district .As per report of National Crimes Record Bureau of (NCRB), 2013, Surat district in Gujarat reported a crime rate of **453.01** compared to National crime rate of **218.67** in 2013. **Surat District stood 6th** in all crime records in **2013 --21st** in no. of murders, **52nd** in no. of rapes, **58 th** in no. of robberies, **24 th** in no. of thefts, **21st** in no. of dacoities, **23 rd** in no. of kidnappings and **157 th** in no of riots.

According to NCRB, **27,549** crimes (53.21 % increase over 2012) were reported in Surat in 2013, out of which 756 were violent crimes (29.76% increase over 2012) and 2534 property crimes (13.14 % increase over 2012). In Surat, the highest crime is **Dacoity** whereas lowest crime is **Theft** in 2013.

Jail Profile and history

Central Prison, Lajpore, Surat is the largest central prison in Gujarat in terms of area, built-up area and prisoners' capacity. **Set up as a model prison** this Jail has a rain harvesting system, RO System, landscaped inner and outer areas, sewage treatment plant, hospital, play grounds having cricket pitch, football, volleyball, indoor game facility, yoga, meditation centre, open auditorium, library, open

university study centers, skill development centers, production-cum-training industrial sheds and separate kitchen for male as well as female prisoners .

Land and infrastructure

The jail has a total area of 54 acres, with 23.5 acres as covered area. It is learned that Rs. 9.45 crores were incurred by the State Govt. for purchase of land for construction of Lajpore Central Jail. According to information received Rs. 63.05 Crores were incurred for construction of buildings out of which Central Share was Rs. 15.38 crores and State Share Rs. 47.67 crores.

The jail complex comprises of 144 barracks (134 male; 10 female) and 87 (male 77; female 10) high security Cells. Wards are divided into A (with 72 barracks), B (with 36 barracks). and C (with 22 barracks) categories. It also has 01 women's ward with 10 barracks and 02 quarantine wards with 02 barracks. One barrack behind the prison campus is kept apart for accommodating prisoners of the proposed Open Jail.

Manpower

It is seen that against a sanctioned staff strength of **485**, 273 posts are filled up; 212 posts are stated to be vacant.

Important post of Deputy Superintendent (02), Jailor (08), Office Superintendent (01), Ministerial Staff (18), Welfare Officer (01), Staff for vocational training (05), Educational staff (02) are reported as vacant. 170 out of 408 of security staff are reported to be vacant. Posts of Medical Officer and Physician, medical technicians and pharmacists , however, are seen filled up. Posts of Orderly and Pharmacist have also been sanctioned and seen filled up. For a central jail like this, no post should be kept vacant; all important posts need to be filled up .

Jail capacity and occupancy Against a sanctioned capacity of **2967** (2757male and 210 female), **2110** (2022 male and 88 female) prisoners are accommodated in the jail. The authorized capacity for male prisoners here is said to be the highest in the State. 03 children, 02 boys and 01 girl, are staying with their mothers. One pregnant women prisoner was reported to be present.

20 prisoners are accommodated in each of the barracks. Each Cell has only one prisoner. Male prisoners are accommodated in 134 wards. Female prisoners are housed in 10 barracks. Only one female prisoner is lodged in a high security Cell.

Category-wise details of prisoners

It is seen that under trial and convicted prisoners have been segregated in this jail. Category-wise prisoners reported were as follows :-

Out of 2110 prisoners (Male-2022; female 88) 648 prisoners are convicts (male 622; female 26 female); 1435 are under-trials (male 1373; female 62) and 27 male are Detenu prisoners. Out of 648 convicted prisoners 508 are sentenced to LI ; 472 are present.

Under-trial Prisoners

As mentioned above, 1435 prisoners are under trials. 23 prisoners were reportedly on bail. Under trial prisoners constitute about 70% of the jail population. As per details provided by Jail administration **559** of the UTs are facing cases u/s 302,303,120B, and 34 IPC ; **35** prisoners u/s 307/114 IPC; **62** U/S 323,324, 326,328 and 114 IPC; **242** u/s 376,363,366 IPC,**115** u/s 392, 394, 385,397,399 IPC and the rest under other sections under IPC. According to data provided regarding length of stay of under trial prisoners in jail,*18 prisoners have spent more than 05 years; 31 prisoners between 4-5 years; 67 prisoners between 3 and 04 years; 107 between 2-3 years; 244 between 1-2 years 286 above 06 months.* 705 prisoners have spent less than 06 months. This position is unacceptable. A central prison like this with all facilities ought to ensure that under trial population is kept at the minimum level. Authorities ought to make a determined effort to reduce the jail population, by increased production of UTs through Video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

Condition of prisoners.

I visited some of the wards and had interactions with the inmates. Ward No. A 2I has a sanctioned capacity of 20 prisoners against which only 13 prisoners have been accommodated. The wards were clean and had enough ventilation. Fans and lights were in working condition. Drinking water is available. Two toilets are available for night use. 05 bathrooms and toilets each have been provided outside

the ward. The condition of toilets was satisfactory. TV sets have been provided in every ward. Mosquito nets have also been provided to the inmates.

Nattu Bachu 46 was a night watchman. A case is registered against him U/S 302 and is sentenced to life imprisonment. Another prisoner (name not noted due to oversight) was operated for cardiac problems 04 months ago at the UN Mehta Institute. Gallu 60 is booked under the Prohibition Act. Ram Dulari Prasad 29 is booked u/s 506 IPC and has been in jail for past 26 months. Sayeed Abdul Sattar 22 is involved in a murder case. He complained about the court not giving dates. Pinu Ratnakar Naik 32 is also booked in a murder case. Asif Ali Beg 23 has a case filed u/s 302 against him and is in jail for the last 03 years. Raju Nagraj Sindhe 35 is also involved in a murder case and has been in jail for past 05 years. Moidheen Haji 66 is in jail for past 06 years. He is involved in a murder case. Ravi Tulsi Ram Pandit 27 is booked under prohibition Act. Ram Ram Sarvarakh 29 is booked u/s 376. *He stated that he has not been provided a lawyer.* He has already spent 02 years in jail. Dhanras Ramdas Patil 53 is booked in a dowry case u/s 306 IPC. He has spent 26 days in jail.

Rajiv Chouhan 26 has a case registered against him u/s 302 IPC and has been in jail for seven years. *He complained that he did not get any escort for production before the court during last two months.* Parveen Lallu Bhai 38 is involved in a murder case. He has been in jail for last 05 years. He stated that no bail was sanctioned to him so far by the court. Ashok Chaggan 19 Vasav came to jail in 2006. He has undergone an eye operation. He was transferred from Baroda central jail, He is booked in a murder case. *He also complained about not getting police escort.*

Women Prisoners

Against a sanctioned capacity of 210 , 88 female prisoners are lodged in the female ward in the jail. Women's ward of the jail is extensive and spacious. There is sufficient ventilation in the rooms. Fans and lights were functional. Drinking water is available. There were four sets of toilets both inside the ward and outside. Condition of both were satisfactory. TV set is seen installed in the ward. A separate bathroom is available.

There is no segregation of convicts and under trials. Amongst the women prisoners 28 are convicted; *27 of them are sentenced to life imprisonment.* Some of the LI convicts stated that they had completed 15 years in jail. They are to remain in jail due to the recent directions given by the Supreme court on life imprisonment.

64 prisoners are under trials *out of which 04 have spent more than four years,* 05 prisoners 03 or more, 07 prisoners two-03 years. Ramani Ben Bhagubai came to the jail on 16-3-2012. A case u/s 302 is pending against her. Amarat Ben is involved in a murder case. She was admitted on 29-8-2012. Artiben Sanjay Bhogilal came to the prison on 29-8-2012. She also faces murder charge.

03 children (02 infants and 01 male child) are staying with their mothers. Two of the infants are only 2-3 months old and the child is 05 years old. . Shahin lives with his mother Junnu Ben. Crèche facilities are not available for children. It was stated that children are regularly provided milk and fruits. A children's park is seen in the ward premises. A voluntary teacher is teaching the women prisoners.

I spoke to some of the female prisoners. Ashwini Praveen is involved in a murder case. Inderjeet 20 stated that her husband committed suicide in the thana by hanging. She has been held responsible for it. She has two children 2-3 month and 19 months old. They are at home. Suman Bamori 65 is allegedly involved in dowry case. Her daughter Aruna Arun 40 is also lodged in the jail. Lala Ben 24 is booked under section 302 IPC. She stated that she was given a government lawyer for 06 months only. No dates are given in her case. Mamta Arjun Bhai 20 has a boy of 02 years with her. She stated that she is lodged in jail due to involvement in a quarrel case. Manju Ben 50 and Kusum Ben 50 are her co accused. Usna Beevi 26 is detained for a cheating case. She is pregnant. She has a 11 year old girl back at home.

As for health care of women prisoners it was stated that no Gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children. OPD is managed by the MO s. No regular female nurses are available. The administration ought to have ensured the presence of an ANM by deputation from the nearest health facility.

As far as vocational training of women prisoners are concerned, at present 34 women are getting trained. Besides computer training (08 women), training in

sewing (15 women) and drawing (11 women) is also being provided. No sports activities are, however, seen taken up for women prisoners..

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4 2006) has issued detailed guidelines on the care of women and children incarcerated in jails. This being a central jail ought to have strictly followed these guidelines and provided facilities to women prisoners and children staying with them..

Mentally ill prisoners

It was stated that at present 38 prisoners (male 33; female 05) are identified as mentally ill. Among the 33 male prisoners who are mentally ill, 26 are convicted 07 are under trials. Among the 05 female prisoners two are convicted the remaining, 03 are under trials. It is seen that a psychiatrist is posted in the jail. It was stated that 03 monthly camps are held for screening prisoners. As per directions of the Commission mentally ill prisoners ought to be shifted to a mental health facility for proper treatment.

Custodial Deaths /violence

It is reported by jail authorities that 02 under trials died in custody in 2014; 05 prisoners (03 under trials and two convicted) and 06 prisoners (02 under trials 03 convicted and one detenu) died in custody last year. It is reported that all deaths happened due to natural causes, in hospital.

Escape of prisoners/jail break

No such incident was reported in the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply is currently being provided by Surat Municipal Corporation . There are two overhead tanks, one underground sump and 03 bore wells for ensuring supply of water to prisoners. It was stated that adequate number of RO systems have been installed. In addition 10 water coolers have also been installed.

A rain water harvesting system is also available in the jail. As far as sanitation facilities are concerned, adequate number of toilets (144) are available which were kept clean. Man-toilet ratio for inner toilets was stated as 20:2 and for outer toilets 1:8. Bathrooms and bathing spaces are available for both male and female prisoners. A sewerage treatment Plant is set up behind the prison campus to convert impure water.

Power Supply

24 hour power supply is available in the jail. Two sets of heavy duty generators of 250 KV capacity each are installed as back up.

Food supply

The jail kitchen appeared to be small and is not maintained well. The ceiling is very low due to which kitchen remains hot. Ventilation is available. LPG facilities are available. 65 prisoners are working in the kitchen taking turns. Pipe water supply is yet to be installed for cooking, washing and cleaning purposes. Quality of food supplied was found to be satisfactory.

Education

Four educational centers have been set up in the jail campus- by Dr Babasaheb Ambedkar University, Indira Gandhi Open University, Annamalai University and Veer Narmad South Gujarat University . SSC/HSC Examination Center is also set up. These Centers are established under the Mahatma Gandhi Bandvan Vidyalaya to provide facilities of higher education to prisoners. A computer lab having 22 computers (17 for male and 05 for female) is also available to students. It is learned that more than 300 prisoners have been trained so far.

Health care

A 48-bedded hospital with facilities like Pathology lab, X-ray is set up in the jail campus. Three Medical Officers are available round the clock. Besides a Physician and one Psychiatrist is available. No female Nurse is posted but services of two male nurses are available. Some of the prisoners have been trained to work as Attendant and Dresser. A pharmacist is posted.

It was indicated that adequate budget is available for health care of prisoners. Sufficient stock of medicine is available. Two ambulances are available for emergency services.

Only 12 patients were seen admitted in the hospital. An isolation ward is available for male prisoners. Female isolation ward is not available.

As mentioned 38 prisoners are being treated for mental illnesses. A prisoner- Sukhbhai Somabhai Rathod (UT) booked u/s 302 is suffering from cancer. There are 10 prisoners suffering from TB and 04 HIV/AIDs. Two prisoners Askok Chaggan Vasaa (Convicted-LI) is blind and Dediya Baban Patel (convicted-LI) is Hemiplegic.

The hospital has modern equipments including auto analyzer, X-ray /Sonography /ECG machine, different testing/surgical equipment etc .

Video-conferencing

Video-conferencing facilities are available in the jail. It was stated that 10-15 prisoners are produced before the courts through video conferencing, on daily basis. Approximately 400 prisoners are produced before courts this way, every month.

Legal Aid

It was stated that District Legal Services Authority is active. 02 advocates -one male and female each - deputed by the Authority provide counseling to prisoners.. Details on number of prisoners provided legal aid was not readily available.

Sanction of bail

Information on details of appeals filed by the prisoners was not forthcoming .It was stated that no prisoner is languishing in jail after getting bail, for want of sureties.

Lok Adalats

it was stated that *Lok Adalat* is being regularly organized in the jail.

Parole/ Remission

It was stated that paroles and remissions are sanctioned as per rules. Paroles are sanctioned by District magistrates. Govt. sanctioned 46 cases of remissions in respect of prisoners in the jail.. No complaints were received from prisoners about not getting paroles sanctioned.

Drug De-addiction program

No drug De-addiction program is being organized in the jail.

PCOs/Telephone facility/waiting room/visitors

It was stated that two PCOs with computerized call recording facility are available to prisoners for communication with their families. There is a large Visitor's Interview Hall with 26 windows. Visitors are regulated by token system. Visitor's timings are from 9am to 12 noon and 3pm 6pm daily. Seating/drinking water/toilet facilities have been provided outside the main gate for the use of families and relatives of prisoners who come to visit them.

Canteen

Canteen facility is available to prisoners run with Prisoner's Welfare Funds.

Board of visitors

Board of Visitors is functional . It was stated that Members of the Board visit the jail once every three months. The last visit of the Board was on 23-10-2016.

Complaints management

It was stated that three complaint boxes are installed inside the prison to receive complaints from prisoners. Two of them are opened by the District and Session Judge and one by IG (Prisons) Gujarat. (One of them ought to be with the DM) .There is every need to have prisoner's Durbar. District collector and SP ought to have periodic interaction with the prisoners.

Library

A well established library with 17450 books and magazines is set up in the jail for use of prisoners.

Cultural programs

It was learned that cultural/ religious programs are being regularly organized in the jail with the help of organizations like Art Of Living, ESCON and Raj Vidya Kendra. An open Auditorium is available for organizing cultural/religious events.

Sports Outdoor games like volley ball , foot ball and cricket are played by male prisoners. A play ground is available for that purpose. However, no sport facilities are available to women prisoners.

Religious activities

Prisoners are allowed to have their own religious practices.

Yoga/Gym

Yoga classes are organized once a month with the help of *Patanjali yoga Sansthan*. Women also participate. Gym facilities are however not available

Recreation It is seen that color TV sets have been provided in all wards for entertainment of the prisoners. Canteen facilities are available in the jail. 44 news papers are supplied to prisoners. Women prisoners are also being supplied news papers.

Vocational Training

The Industry Section of the jail has a Bakery Unit, Laundry and Weaving units besides male and female tailoring units and a Carpentry Unit. As stated skilled workers get paid Rs 42/- per day; Semi-skilled- Rs. 36/- and under trials Rs.30/- which are very low compared to the rates notified by states like Bihar, and HP. In Bihar and Jharkhand prisoners are allowed to keep 1/3 of their remuneration, 1/3 goes to the victim's family and the balance 1/3 for prisoner welfare activities..1/10 share is used for their rehabilitation, which is a good initiative.. This practice could be followed in the jails of Gujarat.

Three store rooms for storing raw materials for the Udyog Section/ canteen/and Miscellaneous sections are situated on the backside.

Facilities for staff

282 staff quarters are available to officers and staff of the prison. Officers and staff security guards (SRP) are allotted SRP barracks with kitchen facility.

Facilities like Guest House, Guard Rooms are also available. A shopping center is also available in the prison campus. One RO plant is installed in every block of each category of houses

Role of NGOs

As already mentioned services of two Non Governmental Organizations-Art of Living and Karma - are being currently utilized. NGO activities need to be up-scaled and diversified.

Inspections

It was stated that regular inspections are conducted by the District Judge/CJM and the DM. CJM visits the jail every month. Besides, regular inspections are being carried out by IG (prisons), DIG (Prisons) and other senior officials. The last inspection was held in August, 2016 by the IG of Prisons.

Security

The Video Surveillance / Electronics Security Surveillance System installed in this jail is said to be the first of its kind in Indian Jails. With 806 CCTV cameras installed Lajpore Central Prison has one of the most High tech Electronic Surveillance Systems among central prisons in India. It was pointed out that the entire outer peripheral wall of the has high voltage D.C. live wires which has a unique feature of non-fatality system, with foolproof system deterrence against tampering or intrusion built into it. High voltage DC live wire system is also installed in the wall around the female ward. Security equipment like door frame metal detector, hand held metal detector, x-ray machine, trans-receiver set, mobile phone detector etc are also available. There are altogether 06 watch Towers, four outside and one inside the jail campus. Since this is a high security jail, security arrangements -both external and internal-need to be periodically assessed.

Against 408 posts of security staff sanctioned only 238 are in position; 170 posts are stated as vacant which include 08 posts of Subedar, 02 posts of Subedar (female), 31 Havaldar, all 07 posts of Havaldar (female), 105 Sepoy, 01 post of Matron and 01 Driver. These posts need to be filled up quickly.

Solar Lighting

Solar lighting /heating have been introduced successfully by some of the jails in the country. Solar energy system has not been introduced in this jail so far. Successful introduction of alternate sources of energy can help conserve energy and reduce the costs.

Training

It is very important to train the jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It was learned that a Jail Training School exists in the State where basic Training to custodial staff is imparted for nine months instead of Four months as provided in existing rules. importance of human rights in management of prisoners ought to be stressed in these training programs.

Budget

It was confirmed that sufficient funds are available for jail activities. The prison received a grant of Rs. 3.28 crore as plan funds and Rs.7.2 crore as non-plan funds for the year 2016-17.

To ensure more efficiency it would be useful to allow the jail to have Rs.10 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting of the Committee ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Jail Manual

It is understood that a new Jail Manual is under preparation . In fact, it is time that a new Jail Manual is brought out quickly by the State Government.

Observations/ Recommendations:-

General recommendations/suggestions have been included in part-1 of this report. However specific recommendations in respect of this jail are summarized below:-

1. Filling up of vacancies
2. Posting additional security staff
3. Reducing under trial population/regular production before courts/legal aid/better utilization of VC facility
4. Screening for mental illness/TB Malaria/HIV/AIDS
5. Posting of ANM
6. Women prisoners/children-full compliance of SC-directions
7. Better Complaint management system
8. Vocational activity-up-scaling/diversification
9. Sanction of untied funds
10. Involvement of NGOs in various activities
11. Counseling of prisoners with the help of reputed institutions
12. Training of jail Officials and staff in human rights issues concerning prisoners
13. Introducing solar lighting/heating

----- (PTO)

PART-V

REPORT ON VISIT TO SUB JAIL DANG ON 18-11-2016

-----S. Jalalaja, Special Rapporteur, NHRC

Dang district (also called the Dangs) in south eastern Gujarat on the Maharashtra border is a remote forest area populated predominantly by tribal communities. The Tribal population in Gujarat is mainly concentrated in the eight districts along the eastern border of the state; 96 % lives in Dang,

As per NCRB report, **Dang** District stands **537th** in all crime records in **2013**. Dang has lowest crime rate of **108.63** compared to National crime rate of **218.67** in 2013. According to crime reports by NCRB in 2013, only **248** crimes were reported in the district during the same period.

The Collect rate in Dang is stated to be over 100 years old and was constructed during the British period. A Tahasil- level sub jail is located in the ground floor of Collector's office building. The jail was attached to the Tahsildar's office and it remained a part of Collector's office building since then. Due to low crime rate in the district and very limited number of prisoners, perhaps the need for a full-fledged jail has not been felt so far by the administration.

The jail consists of one female barrack (area 4.60 m x 2.50m) with a sanctioned capacity of 10 female prisoners and two male barracks (4.60 m x 3m), with a capacity of 30 prisoners each .Only under trial prisoners are kept here. Now only 08 prisoners are kept here on charges of illegal tree felling. They reportedly kept forest officials hostage.

Shri UR Rathava functions as the Jail Superintendent and Sri Mahla as Jailor, in addition to their own duties. It was stated that Mamlatdar, Dangs is looking after jail and functions as jailor with the help of a junior clerk. Since this is only a remand jail, convicted prisoners are sent to District Jail, Navsari.

All prisoners belong to Scheduled Tribe. Prisoners are seen confined to two large rooms with bars, as in police custody. No space is seen available for free movement of prisoners. It was stated that basic facilities like toilets, drinking water etc are available.

NHRC team which visited the district on 10-12 February, 2009 had recommended posting of a regular Jailor, with appropriate training to oversee the functioning of the jail. This recommendation has not been implemented so far. It is pointed out by administration that this being only a remand jail with limited number of prisoners, the earlier arrangement has continued. Nevertheless, a proposal has been sent to the IG of prisons in this regard. Now that Dang is a full-fledged district, the jail ought not function as a part of Collector's office. It should be upgraded and located independently in a separate building with minimum basic facilities. Sufficient space for free movement of prisoners ought to be available, so

also space for future expansion. Convicted prisoners also could be accommodated in this jail itself. In fact an independent Sub Jail could be planned which could be taken up in phases, according to needs. As recommended by NHRC, a fully trained Jailor ought to be posted in the jail.
