

REPORT ON VISITS TO CENTRAL PRISON, AMRAVATI, DISTRICT PRISONS WARDHA, YAVATMAL AND WASHIM IN MAHARASHTRA 25-31 JUNE, 2018

---S. Jalaja, Special Rapporteur, NHRC

Amravati and Nagpur divisions constitute the Vidarbha region of the state of Maharashtra. I visited Wardha (Nagpur Div.), Yavatmal, Washim and Amravati districts (Amravati Div.) from 25-30 June, 2018, to assess the status of human rights therein. I also visited Central Prison, Amravati and district prisons in the other three districts. Enclosed herewith are the reports on the visits to these prisons.

Some of the general observations and recommendations in respect of the four jails visited are given in **Part-1** of the report. For the convenience of authorities of the four prisons visited, reports on individual prisons are appended as **Part-11, Part-111, Part-1V** and **part V** of this report.

Part-1

As per prison statistics published by NCRB in its Report, 2015, as of December, 2015 there are 154 prisons in Maharashtra, with a prison population of **26303**. Central Prison, Amravati is one of the 09 Central jails in the state. District prisons of Wardha, Washim and Yavatmal are three of the 28 district prisons in the state.

1. Infrastructure

Amongst the four prisons visited, barring District Prison Class-1, Washim, all other Prisons are more than 100 years old (Amravati: established in 1886, Wardha:-1868, Yavatmal:1872) and they still have old infrastructure. To the credit of the state government the prisons are well maintained. Nevertheless, it is desirable to have a comprehensive plan prepared for each of the these prisons, so that old infrastructure could be replaced *in phases as per need*. Care should, however, be taken so that only *eco-friendly buildings* are constructed.

2. **Jail capacity** Against a sanctioned capacity of **973** (939 male; 34 female), occupancy reported was **1129** (1092 male and 37 female) in Central Prison, **Amravati**; in District Prison, **Wardha** against a sanctioned capacity of **252** (243 male: 09 female) occupancy reported was **358** (350 male; 08 female); in District Jail, **Yavatmal** sanctioned capacity was **229** (224 male; 05 female) and occupancy **435** (416 male ;19 female) and in **Washim** District Prison against a sanctioned

capacity of 300 (270 male;30 female) occupancy reported was only 93 (87 male; 06 female). Children were present only in Central prison Amravati and District Prison Yavatmal. Except in District Prison, Washim, occupancy exceeded sanctioned capacity. Sanctioned capacity should be increased along with up gradation of facilities and efforts also ought to be made to reduce under trial population.

3. Shortage of staff

In Central prison, Amravati out of 177 posts sanctioned, only 141 are reportedly filled up; in District Prison, Wardha against 51 posts sanctioned , 50 are filled up; against 59 posts sanctioned , 49 are filled up in District Prison, Yavatmal and in District Prison Washim 43 posts are filled up against 60 sanctioned. *The post of regular Superintendent is vacant in Central Prison, Amravati.* Only a temporary Superintendent is holding charge. In District Prison, Washim too, the post of Superintendent, although sanctioned, is vacant. In remaining two prisons the post is seen filled up. Posts of Medical Officers are either not notified (Wardha, Yavatmal) or not filled up (other two prisons). All critical posts ought to be sanctioned and duly filled up for the smooth running of the prisons.

4. Living conditions

It is seen that basic facilities like drinking water, sanitation etc have been provided to prisoners in all four prisons.. RO plants could be installed, possibly with the help of corporate houses, so that safe drinking water is available *to the entire jail population and also the jail staff and their families.*

5. Under trial prisoners

Under trials form about 35% of the prison population in Central Prison, Amravati; 87% in District Prison, Wardha,, 92% in Yavatmal and 90% in Washim..

As per details furnished regarding **length of stay of under trials**, Central Prison , Amravati reported 25 under trials each having spent more than 02 years and above 1 1/2 years; Wardha 01 UT above 05 years and 33 UTs 02 years; Yavatmal 08 UTs over 02 years and 25 UTs above 11/2 years ; Washim 01 UT **having spent 05 years**, 02 prisoners 04 years and 05 UTs above 02 years. Only 50%% UTs are physically produced before the courts in Yavatmal for want of timely escorts; 95% UTs are reportedly produced before courts in Washim.

Video-conferencing facilities are available in all four prisons. The number and quality of production of prisoners before courts, however, need to be attended to. It also needs to be ensured that all courts have VC connections. The facility also needs to be carefully maintained.

6. Access to justice

Access to justice is an important issue generally faced by prisoners. In respect of the four prisons visited, the following were noticed:-

- *Although District Legal Services Authorities were stated to be functional, legal assistance to prisoners was limited. Counselors were stated to be available, but apparently there was no monitoring of their functioning.*
- *Although legal aid was sanctioned to prisoners, it is generally seen to be 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. Data on appeals filed by prisoners are not maintained properly.*
- *No prisoners are stated to be languishing in all four prisons after securing bails, for want of sureties. The system of releasing such prisoners on conditional basis on personal bonds ought to be pursued.*
- *Lok Adalats are not being held in the prisons.. Lok Adalat needs to be organized regularly. The system should be utilized for reducing UT population as is done with considerable success in the state of Telangana.*
- *Most often prisoners did not know the stage at which their case were pending. A system for tracking/monitoring cases should be put in place quickly.*
- *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.*

07. Improving the quality of life of prisoners

Prisoner welfare measures, including liberal sanction of parole, telephone facility, facilities for meeting family members and canteen facilities help in improving the quality of their lives.

Parole:- As Already reported conditions for sanction of parole have been made very strict by the Government of Maharashtra. Many of the poor prisoners are not able to deposit Rs 15,000/ as security. The state government ought to prescribe slabs in payment by different categories.

Remissions are allowed as per rules. However regular review is necessary.

Coin-box telephone facility (except Washim) , visitor's rooms and **Canteen facilities** are available in all four prisons.

08. Custodial deaths

No Custodial deaths were reported in any of the four prisons. However, the prison staff ought to be sensitized on this issue. Security staff ought to be trained periodically to ensure that there are no security lapses.

09. Management of Complaints

A sound complaint management system ought to be put in place in these prisons. Keeping complaint boxes alone will not suffice. Prisoner's Durbars ought to be organized regularly. The jails ought to be periodically visited by District Collectors and Superintendents of police. They ought to have interaction with prisoners and listen to their grievances

10. Health care Barring Central Prison, Amravati all other three prisons have only rudimentary health care facility. *The post of MO is vacant in Central Prison Amravati.* Posts of MO and Pharmacist have not been sanctioned in both Wardha and Yavatmal prisons. Posts of MO and Nursing Orderly are vacant in Washim prison. None of the prisons, except Amravati, had pathological labs .Testing is done at the Civil hospitals. For X- ray and ultra- sound patients are referred to respective Civil Hospitals . There is need to provide proper health care to prisoners lodged in these prisons.

Out of a total prison population of 1129 only 15 prisoners have been identified with **mental illness** and only 02 prisoners are kept under observation in Central Prison, Amravati; no one has been identified with mental illness in District Prisons, Wardha and Washim. In District Prison Yavatmal 19 patients are under treatment. *Fewer number of patients indicate the possibility that no proper/regular screening has been done.* As per directions of NHRC, all mentally ill prisoners are to be shifted to a mental health facility for specialized treatment.

Considering inadequacy of health care in these prisons it is suggested that

- A proper well-aired, hygienic and **functional hospital** /mini hospital should be set up in each of the three district prisons, having separate isolation wards for diseases like TB/Malaria/Leprosy. It should have adequate diagnostic facilities. *The prison hospital in Central Prison, Amravati ought to be upgraded.*
- **Posts** of Medical Officers need to be **sanctioned/filled up**, as also those of supporting staff.
- **Screening for mental conditions** may be undertaken with the help of reputed 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. Health cards should be issued to prisoners..
- **AYUSH medical facilities** should be provided in all four jails, especially to older patients:
- Impact of Tele-medicine needs to be assessed.

11. Literacy and Education

The time spent in prison, if utilized properly and purposefully, would be of good use to the prisoners, once they are released from jail. Their period of incarceration could be gainfully utilized for making illiterate prisoners literate. It could also help those who are already literate in pursuing higher education. *Not much attention has been paid to literacy and education in district prisons, as they are essentially remand prisons.* Therefore, a comprehensive literacy and educational program *both for male and female* prisoners needs to be chalked out urgently. Facilities for education ought to be provided to prisoners *however short their stay be in prisons.* It should be implemented with NGO support. A computer centre for training, younger prisoners, both men *and women*, should be started. Volunteers should be selected and trained as teachers. IGNOU Centers also ought to be opened wherever needed.

12. Food supply It is learned that on average only Rs 28-29/- are being spent per prisoner as food charges on daily basis. This is too low when compared to rates

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approved in other states like Bihar and Kerala. Prisons in Kerala exhibit daily food charts. Convicted prisoners/Under trials who work in the kitchen are paid low wages; the rates need to be revised upwards.

13. Improvements in the condition of women and children

Compared to other prisons, sanctioned capacity as well as occupancy of female prisoners in these four prisons are low-37/1129 in Central Prison, Amravati, 8/358 in Wardha, 19/435 in Yavatmal and in 06/93 Washim district prisons.. Limited facilities have been provided for making them literate or getting further educated (most of them are UTs). Once a week a Medical Officer visits the jail, which totally is inadequate. No isolation rooms have been set up for female prisoners. Little or no sport facilities are available to them. Separate facilities for worship are not available inside female enclosures. A small collection of books and magazines ought to be kept for them. Telephone facility, Visitor's room etc ought to be provided within the female enclosure, as far as possible. Rights of women prisoners and their children are to be taken care of as per guidelines issued by the Apex Court in RD Upadhyay Vs the State of Andhra Pradesh..

Cases against women ought to be monitored closely. Legal aid ought to be sanctioned to them on priority. Counselors, especially from reputed NGOs, ought to be appointed for assisting female prisoners. General awareness classes ought to be organized.

Female prisoners along with children ought to be segregated and kept separately from other female prisoners. Separate kitchens may be allowed inside the female wards. An ANM/Staff Nurse from the nearest health facility ought to be posted full time. Inoculation and vaccination of female prisoners/children/others ought to be taken up on priority.

14. Vocational programs Engagement of prisoners in gainful employment during their incarceration is desirable, as it not only helps them earn their wages but also enhances their self-worth. Working with other prisoners helps them get rid of loneliness and monotony of jail life. In Central Prison Amravati, vocational training is given in selected trades like carpentry, tailoring, LED bulb making, handloom work and laundry. There is need to diversify and upscale vocational activities. Central Prisons Kolhapur and Nashik have taken up many profit making activities. Very limited activities are seen taken up in the other three jails.

Vocational training in useful trades needs to be taken up with the help of reputed NGOs, as per need. Elderly prisoners could also be engaged in some activity or other.

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 prisons visited, In Central Prison, Amravati women convicts while on release are reportedly provided a sum of Rs 25,000/- as grant for their settlement though. *Each prison ought to draw up a rehabilitation plan for convicted prisoners who are to be released shortly and organize vocational trainings for them.*

16. Prison Administration

- A comprehensive **modernization plan** for prisons needs to be put in place. *A new staffing pattern needs to be developed for prisons in the state, as per current needs.*
- **Delegation and decentralization in jail administration** are very much needed. Items which can be delegated to Superintendents of prisons 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 prisons and Rs.05 lakh to district prisons for taking up emergency items of works for welfare of prisoners. It should be sanctioned by a committee comprising of DM, SP and the Jail Superintendent.
- All equipment, including the video-conferencing system, CCTVs should be got repaired. AMCs should be signed with supply agencies.
- **Alternate energy** sources needs to be harnessed for lighting, heating cooking purposes.
- Water harvesting facilities ought to be set up in all prisons.
- **Services of more number of reputed NGOs** should be utilized in the areas of health, education, training, prisoner's welfare, mental health etc

Budget

Budget allotment is considered to be adequate by the prison authorities. It was pointed out in my last report that according to Prison Statistics of India as of 31-12-2014, prison expenditure in Maharashtra is the lowest compared to less prosperous states like Jharkhand and smaller states like Manipur and Arunachal. More funds need to be sanctioned for improving infrastructure, appointment of staff, providing additional welfare measures, integrating correctional administration etc.

Open Prison Open Prison set up in Central Prison, Amravati cannot be called an open Prison in the true sense of the term. Selected convicted prisoners are kept in a separate barrack and are allowed to work in farms throughout the day *under supervision*. In states like Telengana, convicted Prisoners who are left with a short time for release are trained in selected activities. They are *allowed to go outside the jail and work*. prisoners have opened food courts, Ayurveda clinics; they work in petrol pumps etc and make a good living out of it. Once released, they continue with the same work. ***This is an important reform worth emulating.***

Staff Welfare It is very important to keep the morale of prison staff high and pay attention to their grievances. Staff quarters are in poor condition in most of the old prisons. timely promotion, suitable incentives for good performance, educational support for children etc need to be introduced. A staff grievance redress system ought to be introduced.

General Modern concept of prison management lays emphasis on deterrence and rehabilitation rather than deterrence alone. In Tamil Nadu, Central Jail Palayamkotai has set up a separate wing on correctional administration, run with a team of psychologists and supporting staff.

The state of Telangana has taken up many far reaching reforms recently. Its prison authorities have been able to reduce under trial population by the effective use of *Lok Adalats* in prisons and sec.141 CrPc by the police. Their open prisons are a model for others.

A new Maharashtra Prison Manual, needs to be put in place by incorporating human rights principles and humane treatment of prisoners. Moreover, the salient provisions of the new Manual ought to be shared with the prisoners. Prison staff should be properly trained in implementing the Manual.

It has already been pointed out that custodial justice should not be viewed in isolation, but needs to be visualized as a part of the criminal justice system as a whole. *Unless systemic improvements in the criminal justice system are carried out, prison reforms will not be successful in isolation*

(contd.)

PART-11

REPORT ON VISIT TO CENTRAL PRISON, AMRAVATI, MAHARASHTRA ON 29-06-18

-- S. Jalaja, Special Rapporteur, NHRC

Profile of the district

Amravati District is situated in the central part of the northern border of Maharashtra state. The District has an area of 12,210 sq.kms. and a population of 28.8 lakhs as per Census, 2011. It is one of the major cotton-producing districts of Maharashtra. Amravati is the 2nd largest and most populous city of Vidarbha, after Nagpur.

Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 8216 crimes Amravati district stood 64th in all crime records in the country in 2013. The district reported a crime rate of 284.44 compared to National crime rate of 218.67 in 2013.

Jail Profile and history

Central Prison, Amravati was originally set up as District Prison in 1886, during the British period for confinement of habitual offenders and remand prisoners. It was upgraded as central prison in 1922. British Government during freedom struggle used it extensively for imprisoning political workers and Satyagrahis. During freedom struggle important personalities, including late Neelam Sanjeeva Reddy and VV Giri, former presidents of India, were housed here.

It is seen that part of the prison has been converted into an Open Prison. 30 convicted prisoners are lodged in a separate barrack.

Land and infrastructure

The prison is spread over an area of 40.44 Ha, with a built up area of 08 Ha. The prison has a sprawling campus with a large infrastructure comprising of office buildings, male barracks and Cells, the Female ward, hospital, kitchen, prison canteen, stores, etc. Constructed during the British period, the prison buildings are very old; only maintenance has been carried out from time to time. Presently, renovations are being carried out in Freedom Fighter's Block where late V.V. Giri and other freedom fighters were lodged.

Manpower

According to approved staffing pattern for the prison, the jail has a sanctioned strength of 177 personnel, but the actual strength reported was only 141, with 36 vacancies. There is *no regular post of Superintendent or Additional Superintendent sanctioned*. The post of Superintendent is filled up on temporary basis, but the post of Additional Superintendent is vacant. Posts of 01 Deputy Superintendent and 01 Administrator are temporary, but they have been filled up. 03 posts of Jailor Group 1 have been filled up; out of 11 posts of Jailor Group-11 02 are reported to be vacant. On the administration side 01 post of office Superintendent, 05 posts of Senior Clerk (total 06) and 06 posts of clerk (11 total) are seen filled up. Among the medical staff regular post of Medical Officer is vacant, but 01 post of Pharmacist, 02 posts of Nursing Orderly and 01 post of Lab Technician are seen filled up. All critical posts need to be filled up in order to run the prison administration smoothly.

Jail capacity and occupancy Against a sanctioned capacity of 973 prisoners (M-939; F-34), 1129 (M-1092; F-37) prisoners are lodged in this prison. 03 children are residing with their mothers.

Category-wise details of prisoners

Out of 1129 prisoners, 688 are convicts (M-661; F-27), rest are Under Trials (390). There are no civil prisoners. 06 foreigners are lodged here out of whom one is from Pakistan. 03 are from Nigeria (02 UT u/s 420 IPC; 01 NDPS). 01 prisoner from Bangladesh is said to be involved in a passport case. Barring two, others were convicted prisoners. 25 MCOC (Maharashtra Control of Organized Crime Act, 1999) and 02 MPDA (Maharashtra Prevention of Dangerous Activities Act) prisoners are present. 07 are NDPS prisoners. Prisoners from foreign

countries are provided bread and other items of food. They did not file any complaint.

Under-trial Prisoners Unlike in other prisons visited, under trial prisoners constitute only about 35 % (T-390-380 male and 10 female)) of the prison's population, as convicted prisoners from other prisons have been transferred to this jail for purpose of safe custody. As per data provided by prison administration regarding length of stay of under trial prisoners, no under trial has spent more than 05 years(but there is **one case** of 2007 as per list provided by prison officials); 25 prisoners (all male) have spent 02 years; 25 prisoners (24 male; 01 female) 18 months; 10 prisoners (09 male; 01 female) 12 months and 124 prisoners (122 male; 02 female) up to/ more than 06 months.

From the data provided by administration it is seen that Chandrakant Narayan Arekar was admitted on 5-01-07. He was charged in a murder case. His case is still pending. Manoj Singh Punjab Singh Bhada was admitted on 24-1-15. He also has a murder case against him. Rahul Anand Marskolhe was brought to the prison (307/376 IPC) on 18-05 -15. Pramod Vasudev Ueke, Amar Manoj Sarode, Neeraj Raju Ugale, Akshay Balu Junhare, Vikki Niranjan Gole, Kayyum SK Karim, Aslam khan Karim Khan, SK Iiyas, Md. Razwan Md. Salim, Subhamtatyia Rao Javanjal, Manja Sanosh Pawar, Chuba Balji Bhosle, Dahimal Balaji Bhosle and Kapur Balaji Bhosle have spent more than three years in jail as UTs.

As per reports, physical production of under trials in court is not affected due to non availability of police escort on time, as in 95% of the cases police escort is provided.

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 went around the different blocks and had interactions with some of the inmates. There is lot of space around each barrack. Barracks had adequate space. They had sufficient number of windows and were well ventilated. The maintenance of wards

was good. Lights and fans were in working condition. Cage toilets were kept clean. Water was available in the toilets.

Prisoners were seen provided necessities as well as articles of daily use. I spoke to some of the prisoners. Raju Sarjilal Varty 50 is an under trial prisoner for last one year. He is allegedly involved in a murder case. He complained that he has not been provided a lawyer. Vishnu Narayan Hinghe 68 has a murder case against him. He stated that although he got bail, *he is unable to avail it due to his inability to pay Rs.25,000/-as security.*

High Security Prisoners

I visited the high security Cells in the prison. 12 prisoners are currently lodged in them. 11 are convicted prisoners and 01 an under trial. The cells were well secured and well maintained. The cells open to a common area. It was learned that inmates are allowed to move about in this space for sometime in the day. I spoke to all the prisoners.

Zamin Ahmed Sheikh 44 has been convicted for life imprisonment in Bombay Railway Bomb Blast case, in 2006. He has already spent 12 years in jail.. He stated that an appeal has been filed in Bombay High Court. Mohammed Amir Sheikh 40 has been convicted for life in the Aurangabad Arms case, 2006. He was transferred from Bombay two years ago. Md. Majhid Shati 38 is also a LI prisoner .He was also one of the accused in the same case. Md. Sherif Shahbir Ahmmed 46 has also been convicted for life in the Aurangabad Bombay Blast case. 2006. He has already spent 12 years in jail. By profession he is a doctor. He made a complaint that although he had low back ache and all except one doctor has prescribed that he be allowed a chair to sit, the prison authorities have refused it on security considerations. He pleaded that he may be allowed the facility. A decision may be taken at the highest level in the prison administration.

Javed Gulab Hussein Shah 67 was sentenced for life in Bombay Blast case. He hails from Pakistan . He mentioned that he needs assistance of a lawyer. Rajesh Gavare is undergoing life imprisonment in a murder case. He has already spent 03 years. Akash Thakur 27 is booked u/s 224/225 IPC and provisions under MCOC. Sayyed Ahkis has completed 10 years as under trial in Aurangabad Arms case. He has spent 12 years as a part of sentence of LI awarded to him. 02 more cases are

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pending in Gujarat. He has spent 02 years in this cell. Md. Arshad 41 has spent 14 years as a lifer. He is charged with murder. Prashat Rahu 59 is an extremist prisoner who allegedly organized extremist activities along with his co-accused. He stated that there is no case against him relating to terrorist activities. He pointed out that rules for parole are very harsh. He said that no facility for reading is available to high security prisoners. *His case ought to be analyzed properly to ensure that he has not been booked on political grounds.* Nilesh Williamjatanna 32 also involved in Bombay Blast case has spent 10 years in prison. Prison authorities pointed out that he had misbehaved with jail officials. Jaffar Hussein Iqbal Hussein 38 is an UT booked under VAPA. He has spent 06 years in jail. He was transferred from Nagpur six months ago.

The high security prisoners stated that they had no complaints about basic facilities provided in the prison. Most of them said they spend their time in reading or playing volley ball.

Mentally ill prisoners

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. 15 male prisoners are reportedly identified as mentally ill. Two prisoners are said to be under observation. The mentally ill are said to be under treatment by the Civil Hospital. It is surprising that in a prison with a population of almost one thousand prisoners only 15 patients have been identified as mentally ill.. Periodic screening of both male and female prisoners ought to be conducted with the help of *reputed mental health institutions*. Prisoners who are seriously ill ought to be shifted to regular mental care institutions for proper care, as per NHRC Guidelines.

Elderly Prisoners

30 elderly prisoners are housed in a separate barrack. They are being provided special diet and other facilities.

Women Prisoners

The women's enclosure is large and spacious, but no garden is maintained. Women are accommodated in a large hall. Against a sanctioned capacity of 34 prisoners 37 are lodged here. 03 children were also present. No pregnant woman was reportedly

present. The place is kept clean and neat. The women's ward has barred doors and windows. Adequate ventilation is available. A TV set has been installed. FM services are available. A water purifier (no RO system) is seen installed. There were 03 toilets inside for night use. Outside there were 08 toilets and 03 bathrooms. They were seen kept clean.

It was stated that articles of daily use are being supplied to the women. Sanitary pads are also being supplied. For filing complaints complaint boxes have been provided.

Out of 37 women prisoners only 03 are under trials. *Almost all the others are allegedly involved in murder cases.* I spoke to some of the prisoners. Rupa Vilaskhote 35 is allegedly involved in the murder of her husband. She is a post graduate and was working for an MNC. Annapursa Thathod 67 is sentenced to LI for 15 years in a case involving the death of her daughter in law. Santa Bai Chikte 65 is booked u/s 498 and has been sentenced to 13 years LI. Her daughters Anita 47 and Manjush Thantika 50 are also involved in the same cases and were also awarded LI. Diksha Nitnauri 22 is involved in a quarrel case. She could speak English fluently. She has a 02 year girl with her. She has just come to the jail. Her husband is back at home. Patigya Katani is also involved in a murder case. A child of 04 years was with her. Puja Veena Ingde 26 is in connection with the death of her uncle in a quarrel. She had a 03 year old boy with her.

It was stated that the children are provided special diet which includes fruits and milk. Toys have also been made available to them.

Adult education classes are run for women prisoners. A regular teacher from the Adult Education Department and also teachers deputed by an NGO teach the women and children. NGO (Varada) is training the women in tailoring. Four sewing machines have been provided.

Female prisoners and their children are currently attended to by a physician from the Civil hospital. Besides her, a skin Specialist also attend to women prisoners. References are also made to the Civil hospital if the need arises. This arrangement does not appear to be satisfactory. Since a sizable number of women are staying here, some of them with children, there should be provision for posting at least a female nurse to take care of women prisoners and their children. Directions of the

Supreme Court in RD Upadhyay Vs the State of Andhra Pradesh ought to be *fully* implemented.

Video-conferencing

Video-conferencing facility is available in the prison. It is learned that the system is connected to all relevant courts, *but all courts do not have this facility*. 76 prisoners are reportedly being produced before courts using the facility. The system is also used in making video calls. However, there is need to improve the number and quality of production through VC facility.

Legal Aid It was stated that legal aid is being provided to prisoners. District Legal Services Authority (DLSA) is stated to be active. 02 male and 01 woman Advocates from DLSA visit the jail on daily basis and provide counseling and legal aid. 05 Para Legal Volunteers aid the prisoners in legal matters. Legal-aid camps are also reportedly organized periodically.

Lok Adalat

Institutional arrangements for conducting Lok Adalat are not available in the jail, whereas in state of *Tamil Nadu it is being efficiently used to reduce under trial population significantly*. It was mentioned that Lok Adalat is organized at times in the prison.

Sanction of bail

No case of prisoners languishing in jail after getting bail, for want of sureties was reported. However, if there are any such cases, they should be taken up with the courts concerned/ or Lok Adalat, to explore the possibility of releasing them on personal bonds.

Parole/ Furlough/ Remission

All prisoners are allowed parole and furlough as per rules. Parole is sanctioned by the Divisional Commissioner, Nashik on the recommendations of the police and furlough by the DIG. It has already been reported to the Commission that introduction of new rules in sanctioning Parole/Furlough has caused considerable difficulties to prisoners.

Custodial Deaths /violence

It is reported by authorities that no unnatural custodial deaths were reported in the prison in the last three years. Only 05 deaths due to natural causes were reported. All deaths took place in Civil Hospital, Nasik. However, there is need to be cautious about prisoner's death in custody. Prison staff ought to be sensitized; internal security of the prison ought to be reviewed regularly.

Escape of prisoners/jail break

It was stated that no jail break incident has taken place in recent times. Only one case was reported four years back. But the prisoner came back to the prison.

Basic amenities

Water supply and Sanitation

It was mentioned that water is being supplied to the prison by Municipal Corporation, Amravati. Water is also supplied from a well, which is used for bathing and washing. RO system has been installed in the women's wing. An RO plant could be installed, possibly with the help of corporate houses, so that safe drinking water is available to the entire jail population and also the jail staff and their families.

As far as sanitation facilities are concerned every barrack has cage toilets for night use and adequate number of toilets for daily use. Water was available in the toilets. Toilets were generally clean and well maintained. Bathing space is also adequate.

Power Supply

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

Food supply

The prison's kitchen is located in an old building which has a large hall used for cooking purposes and a store. The kitchen was kept clean and neat and had good lighting and ventilation. It was stated that renovation was carried out in April- May this year. Lights, fans and exhaust fans were in working condition. Water supplied

by the Corporation is seen stored in tanks. Drain around the kitchen was kept clean. No choking of drains was noticed.

LPG facility is available. The kitchen is equipped with two Atta-kneading machines, cooking units, gas stove system, fridge etc.

Menu for the week was on display. *Chapati, dal* and vegetables are served for lunch and dinner. Along with breakfast 100 ml milk and banana are also served.

40 convicted prisoners are working in two shifts in the kitchen. In Maharashtra jails skilled workers are paid Rs.61/-, semi-skilled Rs. 50/- and unskilled Rs.44/-. These rates are too low when compared to Central jail, Palayamkottai, Tirunelveli, wherein skilled workers are paid Rs 200/-per day and unskilled Rs.160/- per day. The wages paid are credited into the accounts maintained by the authorities.

Materials for cooking food are procured through e-tendering. Average cost per prisoner works out to be about **Rs.28 per day**. A go down for storing vegetables is available. Vegetables for use in the kitchen are produced in the kitchen garden (20 acres) maintained in the prison campus.

Education

Education ought to be pursued in the prison as an important means of reformation. Three regular teachers are reportedly working full time. One NGO is engaged in teaching women and children. Older children are sent to an Anganwadi center outside the jail.

Efforts are also made to provide opportunity for higher education through Indira Gandhi Open University (IGNOU). 150 prisoners appeared in exams conducted by IGNOU. Special course on yoga is also run in which 30 male prisoners participated.

Health care

A prison hospital is available in the prison campus. The hospital has both OPD and indoor facilities. The hospital ward has a long, tiled hall with 09 beds, all of which were occupied at the time of visit. The mini hospital was well ventilated with lights and fans functional. The attached toilet was in good condition. A TV set is seen installed. An isolation ward is seen set up for keeping patients who had

communicable diseases.. 03 TB patients were seen admitted. A jail lab, dispensary and medical store are also available. The hospital appeared to be clean and well maintained. The indoor hospital also had a Dental Chair. A dentist visited the prison every Tuesday and attended to complaints from the inmates. All equipments were available.

I spoke to some of those admitted in the hospital .02 patients were under observation. One of them Triambak 70 had a neck problem.

Against one sanctioned post of Medial Officer a regular doctor is posted. No female doctors are posted but a female physician from the Civil Hospital is said to visit the jail to attend to women and children. Para medical staff consists of 01 Pharmacist and 01 Lab Technician as well as 02 Nursing Orderlies.

It was stated that prisoners mostly suffer from skin problems, spine problems, abdominal pain, piles etc.. No fever, Malaria or dengue cases were reported. 03 TB patients are admitted in the isolation ward.

Lab facilities are available. Besides, pathological and blood tests for CBC and TB, tests, pregnancy tests are also carried out. Tests for HIV/AIDs are conducted with the consent of the patients. No AYUSH facilities are seen provided.
PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (coin box) are available in the prison. However, the facilities are available only to women prisoners (both convicts & under trials) and to male convicts who are not hardened criminals. Video calls are allowed for women prisoners and convicted prisoners in the Open jail.

A separate visitor's room is set up for prisoners' meeting with visitors which had good facilities, including glass partitions and independent cubicles with intercoms. All inmates are allowed to meet their family members and interact with them twice a month in the case of convicted prisoners and once a week in the case of under trials. For the convenience of visitors who come from far of places 9 am to 6 pm timing is fixed for the visits. Visitors are not made to wait.

It is seen that in Central Prison, Kolhapur and other central prisons a program called *Galabhet* is organized to enable convicted prisoners to meet their family and

children below 16 years of age, on annual basis. That being a good initiative could be taken up in this prison too..

Board of visitors

It appeared that Visitor's Board has not been constituted for the jail , for visiting the jail regularly.

Complaints management

It was stated that the District and Sessions Judge and the CJM and Secretary, DLSA visit the jail once a month and listen to complaints from the inmates.

It is seen that complaint boxes have been installed in every block to receive complaints from prisoners, to be opened in the presence of the District and Sessions Judge and the Additional Director General of Prisons. One of the boxes need to be opened by the District Collector, as he/she is available locally and is from outside the system. Complaint boxes have been installed (also in Women's Section) The Superintendent of the prison also listens to their grievances while taking rounds .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 well maintained library is available in the prison. It is maintained with the help of an NGO which donated bookshelves and books to the library. The library ought to be not only a place for stocking and lending books but also should act as t center of dissemination of knowledge and information. A variety cultural and educational programs including meditation, entertainment, religious programs, musical programs, medical camps, observation of several memorial days and birth anniversaries could be organized as is being done at Central Prison, Nashik.

Recreation

FM services and color TV facilities are available in the prison for entertainment of the inmates. Specially trained jockeys among the prisoners present the programs.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail. Two recreation halls are available in the jail campus.

Sports

Outdoor games like volley ball and badminton are played by the prisoners. Indoor facilities for playing chess and carom are available. Regular competitions and tournaments are organized and prizes and awards are distributed to the winners. However, it appears that no sports facilities are available to women prisoners.

Religious activities

It was stated that prisoners are allowed to follow their own religious practices. Facilities for worship are available in the prison.

Yoga/Gym

Facilities for practicing Yoga are available. Yoga sessions are regularly organized. Prisoner volunteers who have been trained by Brahma kumaris train the inmates. Women prisoners, who volunteer for yoga also ought to be trained. Gym facilities ought to be provided.

Jail Canteen

Canteen facilities are being provided to the inmates in the jail on no-loss-no-profit basis. Articles of daily use, food items, stationery etc are available in the canteen.

Vocational Training

Vocational training programs are being taken up in the jail in selected trades including carpentry, tailoring, laundry and handloom weaving. A LED bulb making unit has been started wherein 10 convicted male prisoners were given training. The bulbs and tube lights produced are supplied to other prisons. For carpentry work wood is supplied by the Forest department. 33 convicted male prisoners are working, each earning Rs.1500/- per month. Direct purchase is made by Government Departments. It was mentioned that District Judge, Amravati had ordered furniture for his office from this prison.

Rehabilitation

Skill training is provided to convicted prisoners to enable their rehabilitation once released. Under a special scheme women prisoners are provided Rs 25,000/ at the time of their release.

Open Prison A part of the prison has been converted into an Open Prison. 30 convicted prisoners are lodged in a separate barrack. they are allowed to work in the agriculture farm through the day for which wages at approved rates are paid. 01 post each of agriculture Supervisor and assistant are sanctioned; but only the latter is seen filled up.

Drug De-addiction program No Drug De-addiction program is being organized in the jail. drug abuse among prisoners ought to be verified. De-addiction programs need to be started, if necessary.

Role of NGOs

It was stated that services of two Non Governmental Organizations (NGOs) namely Varada (teaching women and children) and Deep Jyoti (cultural programs/health care /tailoring) are being utilized in various activities. Varada has contributed kits to 40 children.

Inspections It was stated that regular inspections are conducted by District and Sessions Judge as well as by the CJM. Inspections are also stated to be conducted by senior prison officials. Inspection was conducted by the AIG the previous week.

Security

It was stated that structural and procedural aspects of security have been taken into consideration while planning for prison security. Security is provided by staff comprising of 07 *Subhedars* , 19 *Havadars* and 100 *Sepoys* (22 vacancies). CCTVs have been installed and all are stated to be in working condition. There are 02 watch towers.

Equipment like baggage scanner, Hand Held Metal Detector, DMD, mobile jammer, emergency lights, fire extinguishers, fogging machines etc are provided. All newly purchased instruments ought to have Annual Maintenance Contract (AMC) for their timely repair and maintenance.

Jail security ought to be reviewed from time to time. Jail security staff ought to be regularly trained.

As for transport facilities, only 01 truck, a tractor and Ambulance are seen provided to the jail administration. *It is seen that no official vehicle has been provided to the Jail Superintendent for performing his official duties.* Prison authority has to hire private vehicles for attending to various jail duties which is not desirable from a security point of view. Being a central prison at least one official vehicle ought to be provided.

Solar Lighting/water harvesting

Many jails in the country have shifted to the use of alternate energy for a variety of purposes. Solar lighting/heating needs to be introduced in the prison.

It appears that not much attention has been paid to having water harvesting facilities in the prison. *Since Vidarbha region of Maharashtra is a water scarcity area, water harvesting and recycling of waste water ought to be taken up on priority* by constructing soak pits and other water harvesting facilities, wherever feasible.

Staff facilities

Attention ought to be given to welfare of staff. In states like Tamil Nadu full facilities for staff including timely promotions, incentives for good work, award schemes, education of children, construction of modern staff quarters etc. It was learned that 80% of the medium type staff quarters in this prison are old and need extensive repair/renovation.

Training

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

Budget

It was confirmed that sufficient funds are available for jail activities. A budget allocation of Rs.09 crore has been sanctioned for current financial year, of which Rs.1.15 crore is allocated for meeting the expenditure on prisoner's diet. Rs. 06 crore is the allocation, under salary head. Expenditure on salaries reported was approximately Rs.11.55 crores and expenditure on diet of prisoners as Rs.4.9 crore and that on wagers was Rs.4.9 crore.

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

Open prison

It is seen that part of the jail has been converted into an Open Prison. 30 convicted prisoners are lodged in a separate barrack. During day time they work on the agricultural land in the prison. They are paid wages-skilled workers get Rs 61/- and unskilled rs 55/- per day. It is seen that the only post of Agriculture Supervisor is vacant but 01 post of agriculture Instructor is filled up .

Modernization

The Prison Department of Maharashtra has launched a program called PRISM through which data is collected and maintained on prisoners across the state. 37 modules have been introduced under this program. Efforts ought to be made to convert it into an e-prison and courts into e-courts by digitalizing all procedures. barring extension of the Interview room no efforts on improvement /modernization of infrastructure has been proposed.

Jail Manual

It is seen that jail administration in Maharashtra is run as per provisions of the Prison Manual, 1879. It is understood that the state government is yet to enact the Model Prison Manual based on the one circulated by the Home Ministry.

Observations & Recommendations

Central Prison, Amravati is one of the oldest prisons in India, set up during the British period. Although it was upgraded as central prison almost a century ago, it is still being run in the traditional way. Modernization of the prison, therefore, is the chief challenge before the prison administration.

1. Jail Infrastructure

The prison infrastructure is very old although some parts have been renovated. A comprehensive plan ought to be put in place for its modernization and new buildings constructed in phases, as per need. Care should be taken to build eco-friendly structures to provide natural cooling and lighting.

2. Manpower

Regular posts of *Superintendent /Additional Superintendent of the prison* have not been sanctioned. The post of Superintendent has been filled up only on *temporary*

basis. Post of Medical Officer is also vacant. Without having a regular Superintendent, maintenance of internal security and discipline in the prison could be adversely affected.

3. Living conditions

In this prison barracks were found clean and well maintained. Basic facilities like drinking water, regular power supply, bathing and toilet facilities are available to inmates. Articles of daily use have also been provided.

4. Under trial prisoners

Under trials constitute roughly 35% of the prison population in the jail. As far as length of stay of UT prisoners is concerned, prison data shows that 25 UTs have spent more than two years; 10 UTs 18 months and 124 UTs more than 01 year. This needs to be monitored on a continuous basis.

5. Access to justice

Easy access to justice is one of the most important rights of prisoners. Prisoners in various prisons often complain about lack of legal support, difficulty in getting police escort, non-production before courts, cases not being taken up and undue delay in receiving judgments etc.

- 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 needs to be assessed.
- A system for tracking/**monitoring** of cases should be put in place quickly.
- As far as video-conferencing facility is concerned, attention needs to be paid on efficiency of daily production and the quality of time spent by each prisoners before the courts.
- 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.
- Data on appeals filed by prisoners ought to be maintained properly.
- Jail authorities ought to make a sustained effort to reduce U/T population, by regular organization of *Lok Adalat* and getting petty cases disposed of etc.

States like Tamil Nadu and Telangana have reduced their under trial population significantly and minimized their length of stay by strictly enforcing the use of Sec.141 Cr Pc and efficient utilization of *Lok Adalats*.

- There are no reports that any prisoner is languishing in jail for want of sureties in the prisons. However, this needs to be monitored regularly.

6. Parole & Furlough

In Maharashtra Parole is sanctioned to prisoners as per provisions of the Bombay Prison (Furlough and Parole) Rules, 1959, and, amended as Maharashtra Prison (BF & P) Rules, 2015. It is seen that the Rules were last amended on **26-8-2016**.

As per **amended rules** no extension can be granted in emergency paroles; two persons are needed as sureties, as against one in the original provision; Rs. 15,000/- is to be taken as deposit from each prisoner, as against Rs 2000/- as per the earlier provision.

The new set of rules for sanction of parole notified by Maharashtra Government has made availing parole by the prisoners indeed very difficult. Payment of 15,000/- as deposit by individual prisoners amounts to refusal of parole as many of the prisoners belong to the lower economic strata of society. The other provisions in the rule relating to delayed sanction of paroles to different categories of prisoners and other restrictions imposed also adversely affect the rights of prisoners..perhaps a graded system of payment could be introduced.

7. Overstay

I have submitted a separate note for consideration of the Commission on the implication of the directions of the Apex Court regarding the time to be spent by LI prisoners in jail. If they are uniformly applied to all prisoners, including women, the aged and the disabled they could cause them considerable hardship. The State Government could sanction remissions in deserving cases liberally to overcome the problem, but only to a limited extent . Commission may like to take up the matter with the Apex court

8. Custodial deaths/jail break/custodial violence

Hospital facilities need urgent up gradation. Health cards of prisoners should be maintained; they need to be computerized and updated from time to time. Some of the convicted prisoners could be trained in this item of work. **AYUSH medical facilities** should be provided in the jail, especially to older patients.

14. Vocational training

The prison provides vocational training in different trades. Vocational training needs to be *diversified and up scaled*. It is seen that workers get paid at lower rates compared to rates notified by states like Bihar, and HP. The rates ought to be revised, especially in the case of prisoners engaged in industrial activity.

15. Prisoner Welfare

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. Only coin box telephone facilities in these jails. *A modern telephone management system ought to be introduced without any further delay.*

Facilities for visitors are available. But they are very inadequate to facilitate prisoners to spend *one to one quality time* with their family members. Entry by visitors ought to be regulated by token systems, as in the case in banks. *E-Mulakat System ought to be introduced, starting with Central prisons.*

16. Complaints Management

There appears to be a need for having an efficient and open complaints management system put in place in all five jails. *The current system of having complaint boxes does not meet the requirement.*

17. 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. *Each central prison ought to draw up a rehabilitation plan for prisoners and organize vocational trainings.* Efforts made in states like Telangana and Tamil Nadu are worth emulating.

18. Open Prison

No custodial deaths due to unnatural causes were reported in the prison, in last three years. However, internal security of the jail ought to be reviewed from time to time and the security staff sensitized on this issue.

9. Incarceration of women

In my previous report it was pointed out 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 in fact one delivered a baby after her admission; 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.

10. 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. Despite better living conditions in jail traditional, discrimination against women prisoners persist. Women are generally handicapped by limited educational /health care /cooking /sports/ library facilities. Their access to law is difficult. Their participation in religious/cultural/sports activities need to be encouraged. Guidelines issued by the Apex Court in *RD Upadhyay Vs the State of Andhra Pradesh* need to be *fully* complied with.

11. Mentally ill prisoners

Prisoners generally suffer from various mental illnesses. The prison reported identification of only 15 inmates as mentally ill; 02 were under observation. Screening by a team from the nearest mental health institution ought to be conducted on regular basis.

12. Right to education

Jail authorities ought to pay more attention to basic education/literacy among the prisoners. The prison has only limited facilities for imparting basic education, both male and female prisoners. Adequate number of regular teachers ought to be available for teaching prisoners. Basic education ought to be provided, *however short the stay of the prisoners be.*

13. Right to Health

3 2

The Open Prison operating at present provides only limited facility to prisoners, that too within the prison complex. The next step ought to be the one that enables the prisoners (who have 05 years to be released and with good conduct and behavior) *to work outside the prison* as in Telangana wherein the prisoners are allowed to go outside the jail and earn their income. Ultimately, after their release, they can be easily absorbed in the system.

19. Services of NGOs

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

20. Staff Welfare

It is very important to maintain high morale of prison officials and staff by devising suitable incentives. It is not clear whether any staff incentive system exists in Maharashtra similar to that in Tamil Nadu and other states. Providing timely promotion to senior officials and staff, sanctioning incentives, provision for education of children, better living conditions etc ought to be taken up every year.

Staff welfare also ought to be a priority.

21. Use of Solar energy /water harvesting

It is seen that no efforts have been made for harnessing solar energy for lighting/heating purposes. Many of the prisons are located in water scarcity areas. Water harvesting and recycling ought to be made mandatory.

22. Budget

Budget allotment is considered to be adequate by the jail authorities. However more funds need to be sanctioned for improving infrastructure, appointment of staff, providing additional welfare measures, integrating correctional administration etc.

23. Security Since this is a central prison wherein habitual offenders and high security prisoners are lodged, providing adequate security is of paramount importance.

24. Prison reforms A new Jail Manual needs to be put in place by incorporating human rights principles and humane treatment of prisoners based on the Model Jail Manual circulated by Govt. of India. 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.

Prison reforms need to be undertaken to ensure that all prisoners are not treated as criminals. Correctional administration ought to be an integral part of prisoner management. In Tamil Nadu in Central Prison, Palayamkottai in Tirunelveli district an entire block is dedicated for correctional activities. A Psychologist, is in charge of this unit, assisted by two Counselors. Correctional administration unit inter-alia takes up Individual and group counseling, induction level counseling and pre-release training. For remand prisoners it provides orientation, screening as well as individual counseling and also group counseling. It also attends to alcohol dependence, behavioral problems, Preventive Detention cases etc. The unit ought to have a De-addiction Center, Research Department, Individual Treatment Centers and educational institutions for inmates

(PTO---contd.)

PART-111

REPORT ON VISIT TO DISTRICT PRISON, WARDHA, MAHARASHTRA ON 26-06--2018

-- S. Jalaja, Special Rapporteur, NHRC

Jail profile and history

District Wardha is one of the smallest and the least populated districts of Maharashtra . The district is presently a part of Nagpur Division. The district has an area of 6,309 km² and a population of 1, 30 L, as per 2011 Census. Wardha is made famous by virtue of location of Gandhiji's Sevagram Ashram in the district.

Originally established by the British as a Class 111 prison in 1868, it was upgraded as Class-1 prison in 2000 only. Acharya Vinobha Bhave stayed as a prisoner here during the freedom struggle.

Land and infrastructure

The prison campus has a total extent of 06 Ha 43 Ares with a covered area 02 Ha. An extent of 03 Ha 14 Ares is set apart for agricultural purposes. The whole campus is seen very well maintained.

Apart from the Administrative Block, buildings include barracks to accommodate the prisoners, hospital, kitchen and stores. Of the 09 barracks one is very large (100.3 x 20 ft), 02 are large, 04 are medium and 01 small. No separate cells have been maintained.

Manpower

The prison has a sanctioned staff strength of 51 against which 50 posts are filled up;

A regular Superintendent is posted in the jail. Jail staff includes 01 Jailer class-1 03 Jailors class- 11, 02 clerks, 02 Bearers and 01 Attendant. Security staff comprise of 04 constables and 37 guards. Important posts of Medical Officer and Pharmacist have not been notified. A Medical Officer is deputed to the prison who also is also stated to be in charge of medical care of police personnel. 01 Nursing Orderly assists him. The prison Guards look after other medical functions.

Jail capacity and occupancy Against a sanctioned capacity of 252 prisoners, (243 male and 09 female) 358 prisoners (350 male; 08 female) are accommodated in the prison. No child is staying here. No pregnant prisoners were present.

Category-wise details of prisoners

Category-wise prisoners were reported as : convicted prisoners; 39; -Simple Imprisonment 08 (all male) ; Rigorous Imprisonment (RI) 26 (all male); UTs 312 (male 304; female 08) ; 07 LI (only 05 years left) ; Civil prisoners-00 ; NDPS- nil. 04 of the LI prisoners work as warders and 01 as watchman. No segregation of convicted and UTs was noted.

Under-trial Prisoners

Under trials constitute roughly 87% of the prison population. All 08 female prisoners are under trials. According to information provided, of the 312 prisoners 01 male under trial has spent 05 years in jail; 33 (32 male and 01 female) have spent 02 years, 20 prisoners (19 male and 01 female) more than 01 year; 76 under trials (75 male and 01 female) have spent six months and the remaining 156 have spent less than 06 months in jail.

It was stated that under trial prisoners are produced before courts on regular basis. Getting police escort was not reported as a problem.

Extremist Prisoners

Only one extremist prisoner-Kishore Sidmake, from Gadchiroli, convicted for life, is lodged here.

Mentally ill prisoners

It was stated that at present there is no mentally ill prisoner lodged in the prison. Generally prisoners suffer from a variety of mental illnesses like depression, bipolar disorder, anxiety disorders, schizophrenia etc. It is, therefore, surprising that no prisoner had been identified with any mental disorders. It would appear that no screening for mental illness is conducted at the time of admission or subsequently, on regular basis.

Condition of prisoners.

It was stated by the authorities that attention is paid to regular maintenance of cleanliness and hygiene in the jail. Food, clothes, bedding and other provisions like soaps oil, tooth powder are provided to the prisoners. They are allowed to move in the campus freely from 6.30 am to 12 am in the morning and 3 pm to 6 pm in the evening. The prisoners, on inquiry stated that they have no complaints in this regard. TV sets and FM radio sets are available in all wards.

The wards were clean and spacious. I visited ward no.2 with a sanctioned capacity of 12; 17 prisoners are accommodated in the ward. The hall was very large with high roofs. With barred windows it had good ventilation. Lights and fans were in working condition. LCD bulbs were used to save energy. Two toilets are available inside the barrack for night use. Toilets were available outside the wards too.

I interacted with several prisoners. Raju Thakur 40 was sentenced to LI in a case U/S 302 IPC and is in this jail for the last 18 years. His release is subject to permission received from the Government. Sridhar Choudhury 62 is booked U/S 307 IPC and has been in jail for 02 years. Mahendra Morhate 35 is booked for alcoholism. Raghunath Rokhande 65 has a case against him U/S 376 IPC and has been in jail for last 10 months. Rajesh Yadav 32 is involved in a theft case and has spent 04 months in jail. He stated that he has no assistance of an advocate. Sagar

Murgarkar 24 too is involved in a theft case and is a new comer to the jail. Ramdas Sahare 45 has a case against him filed u/s 302 IPC and has spent 11/2 years in jail. Janrao Govindarao 52 and 04 members of his family are booked in a murder case. They have spent 03 months in jail. They have appointed an advocate.

I spoke to some of the prisoners. Dandi Ram Pandit 35 has a murder case against him. Sriram Ubde 52 is sentenced to 03 months imprisonment in a cheque-bouncing case. Narayan Paranda 42 is booked in a case U/S 376. He is getting assistance of a government advocate. Eknath Gaikwad 30 is in jail for 5 years in connection with a case U/S 354. Ravi Kamble 35 is booked for murder and is in jail for 2 1/2 years as UT. He has legal assistance. Madhukar Babu Rao Vaidya 43 who was working in the Backward Classes Corporation is booked in a corruption case involving a sum of Rs.08 crore.

Women Prisoners

08 female prisoners are lodged in a separate enclosure in an old building. The female barrack is quite spacious with one staff room and a large hall for keeping women prisoners. The hall is well ventilated. There is good space around the rooms for the prisoners to move about. Fans and lights were in working conditions. The toilets were kept very clean. TV sets /FM radio services have been provided. The women stated that they are supplied sanitary napkins. No separate kitchen is available in the ward.

All 08 prisoners, are under trials. As mentioned no children were present.. I spoke to some of the prisoners. Preeti Sanjay Barge 32 is booked in a case u/s 302 IPC. She stated that her husband and 02 other family members are also in jail. They have spent 05 months in jail. They have engaged a lawyer. Kavita Shanker Harade 40 has been in jail for 02 years in connection with the murder of her sister in law. Maya Mahendra Aggarwal 55 and her husband are allegedly involved in a case filed under section 420 IPC. The case is stated to be in the final stages. She confirmed that she had a lawyer.

Nectu Jhodiwale is an accused u/s 302 IPC. Hira Bai 50 is also alleged to be involved in a similar case, along with two others.

Razia Begum 50 is booked in a quarrel case u/s 307/323 IPC. She came to the prison in June, 2018. Iysha Aziz Pathan 50 was caught while selling illicit liquor. She has no husband and has three small children. She was brought to the jail a week ago. her case ought to be placed before the CJM when he visits the prison. Ratna Prabha 60 is booked in a case registered u/s 306 IPC, along with her son and others for the suicide of her daughter in law. They came to the jail 10 days ago. Vandana 40 is a co-accused in the same case. She is unmarried. It was confirmed that they have legal assistance.

The women stated that they have no complaints about food or other basic facilities. As regards health care, no Gynecologist or lady doctor is posted in the jail to take care of the women prisoners and their children. Once a week doctors from the Civil Hospital visits the jail. Medicines are also supplied.

No regular teachers are available for teaching women prisoners. Earlier an NGO used to be involved. Lack of initiative on the part of the authorities is presumably due to the fact that all women are under trials and also few in number. But arrangement for teaching them ought to be made *however short their stay be in the prison*. The Apex Court in R.D Upadhyay vs. State of Andhra Pradesh & others dated 13-04-2006 had issued Guidelines regarding care of women and their children lodged in jails. Depriving the prisoners adequate health care and educational facilities would be deemed as violation of those directions issued by the Apex Court .

Custodial Deaths /violence

No incident of custodial death or violence was reported in the prison for the last 03 years.

Escape of prisoners/jail break

One incident of escape of prisoner was reported last year. But he was brought back to the jail.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply is made available by Nagar Parishad, Wardha. A well also is available in the campus from which water is lifted. No RO system has however, been installed. Water filters are available. According to authorities water quality is good.

It was learned that there are 30 toilets for male prisoners within the wards and 26 toilets outside, which are considered adequate. 07 toilets are available for women prisoners, two inside. Toilets were in good condition. 02 bathrooms are available for women prisoners. For male prisoners bathing platforms are available.

Power Supply

24 hour power supply is said to be available in the prison. No generator is installed as back up. Keeping in view the safety and security of the prison standby arrangements are very much needed.

Food supply

The jail kitchen is located in an old building. A proposal for construction of a new kitchen has been sent to higher authorities. The kitchen comprises of a veranda, large hall and a store room. It is seen maintained well. Ventilation is available. An exhaust fan is also seen installed. *Rotis* were being cooked with the help of an *atta* machine. It is seen that *Dal roti*, vegetables and *halwa* were being served for dinner. Food quality appeared to be satisfactory.

It was learned that **Rs.35/-** is spent per prisoner per day on food supply. Rice and wheat are supplied at fixed rates by Government agencies. 22 prisoners are working on shifts in the kitchen and only 09 are paid wages, as beyond 4% of the allotment cannot be spent on wages. ***This rule needs to be changed since it violates equality in payment for the same work done.*** Skilled workers are paid Rs.61; semi-skilled 55 and unskilled Rs.44. Special diet is provided to prisoners who are ill.

Education

Not much attention seems to have been paid to education of prisoners. No NGO or teachers are engaged in providing education to the prisoners. Services of volunteers from among the prisoners are yet to be utilized. It may be noted that

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ordinarily even under trials are forced to spend considerable length of time in the jail. It is necessary to engage them in useful activities.

Health care

It is seen that no hospital with indoor facilities is set up in the jail. Only OPD facilities are available. Dispensary is set up in a room with a table and couch for examination of patients. Only essential equipments are available. Fans and lights were in working condition. OPD attendance was reported as 20-25. As services of a Nurse and Pharmacist are not available; two of the prisoners assist the medical officer. In one of the barracks for convicted prisoners a prisoner with Plural Effusive TB was found. MO stated that the disease was not contagious. A separate isolation ward ought to be set up in the prison.

It is seen that posts of Medical Officer, Pharmacist and Nursing Orderly *have not yet been sanctioned for this jail*. A doctor from police is in additional charge of the prison. He makes visits and dispenses medicines. No lady doctor is available. Serious cases are referred to the nearest Government hospital. This arrangement appears to be inadequate as around 358 prisoners are lodged in the jail. Sending a prisoner to a hospital outside is very difficult; providing escorts could be another problem. But the Superintendent stated that there was no problem in getting escorts.

Skin, viral fever, TB are common among prisoners. 02 HIV/AIDs patients are being treated. No malaria cases were reported in last 02 years. A medical camp is said to be organized every month. Doctors from Sevagram Hospital attend to the patients.

A nurse ought to be posted from the nearest health facility at least for taking care of the health of women prisoners and the children staying with them.

Video-conferencing

Video-conferencing facilities are available in the jail. 40-45 prisoners are reportedly being produced before courts daily.

Legal Aid

It was stated that District Legal Services Authority (DLSA) is active. Information on the number of prisoners having been provided legal assistance in 2015-16 was not made available. Two advocates, including a woman advocate, visit the jail and assist the prisoners. 02 Para- legal volunteers are stated to be providing assistance.

Parole/Remissions

Parole is sanctioned by the Superintendent for 15 days and / Divisional Commissioner for 45 days and furlough by DIG to convicted prisoners. Remissions are given as per rules by the state government.

Sanction of bail

It was stated that no prisoners are languishing in the jail after getting bail, for want of sureties.

Lok Adalats

It was stated that *Lok Adalat* is not being organized in the jail.

PCOs/Telephone facility/waiting room/visitors

Coin box telephone facilities are available to prisoners for communication with their families. Prisoners are allowed to meet their families .A waiting room for visitors with intercom facility has been set up.

Board of visitors

There was no information available about constitution of a Visitor's Board.

Complaints Management

Complaint boxes have been installed in prominent places to facilitate prisoners to file their complaints. The boxes are opened by the District and Sessions Judge as well as by senior officials of the Prison Department. There is need to organize prisoner's durbar regularly. District Collector and SP ought to have periodic interaction with prisoners.

Library

It is learned that there is a small library set up in the jail for use of prisoners.

Cultural programs

It was stated that cultural programs are regularly organized in the jail with the help of NGOs.

Sports

Facilities for indoor and outdoor games are available in the jail..

Religious activities

There are no organized religious activities in the jail. Prisoners are allowed to have their own religious practices.

Yoga/Gym

Yoga classes are being organized in the prison with the help of NGOs.

Recreation It is seen that TV sets have been provided in all wards for the entertainment of the prisoners. Canteen facilities are not available in the jail. It was stated that newspapers in Marathi, English and Hindi are being supplied to prisoners on payment basis. One news paper is provided per 10 convicts free by prison administration.

Vocational Training

Since the number of convicted prisoners is not large, only limited vocational activities are being taken up. 15-20 prisoners were trained in LED bulb assembly by sponsors-TATA and M Giri. Street lights, tube lights and lamps are being made. It was stated that District Collector bought bulbs worth Rs.3 lakhs. 04 male prisoners are working in the unit for which they get paid Rs.61 /per day each. Training cost reported was around Rs.40,000/- The training ought to be brought under Corporate Social responsibility. Female prisoners are trained in beauty parlor business and Rangoli / Mehndi works by an NGO.

Drug De-addiction program

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

Role of NGOs

Services of two Non Governmental Organizations namely Chaitanya Seva Bharti Sanstha and Varahd -Amravati are being currently utilized. They provide legal assistance and counseling to prisoners.

Inspections

It was stated that regular inspections are conducted by the District Judge/CJM and others. CJM visits the jail every 15 days. Besides, regular inspections are being carried out by DIG (Prisons) . Last inspection was by Member, Mahila Ayog on 22-06-2018.

Security

Internal security to the jail is provided by the jail staff only (37 Guards and 04 constables). No watch towers have been installed in the jail. Modern equipment like Metal Detector, Hand Held Metal Detector (HHMD), Door Frame Detectors (DFD) and Mobile jammers are available. 48 CCTVs have been installed but only 16 are stated to be working. Repairs are in process.

Solar Lighting

No solar lighting /heating appears to have been introduced in the jail so far. Solar pumps are installed in the farm.

Budget

Budget allocation for 2017-18 was reported as Rs 1.81 crores of which a sum of Rs. 1.3 crore was allocated for payment of staff salary. Expenditure was reported as Rs.1.95 crore. The figures need to be reconciled.

Training

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

Jail Manual

It is understood that amendments are being carried out in the existing Jail Manual.

Modernization

No modernization plans appears to be on the anvil.

Staff welfare

It was pointed out that condition of staff quarters is very poor as the buildings were constructed in 1860. Some are in dilapidated condition.

Transport

It is learned that one vehicle is available in the prison but no post of driver is sanctioned.

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. Infrastructure

A comprehensive plan needs to be developed to replace old infrastructure in a phased manner.

2. Shortage of staff

Creation /filling up of critical posts

3. Access to Law

Reduce UT population/ Improvement in efficiency of court production (physical, VC)/ better coordination with police/ holding Lok Adalat/ place petty cases before CJM/review performance of govt. advocates / make legal aid equitable/efficient/ help file appeals/track cases/ computerize data/ help those who are languishing in jail after bail, for want of security.

4. Custodial deaths

Steps to be taken to prevent custodial deaths/ plug loopholes in security/ to make counseling prisoners more effective- enlist services of reputed NGOs in counseling prisoners / sensitize and train security personnel/ better interface with prisoners by jail administration

5. Parole/furlough/remission

Liberal sanctioning of parole/ better tracking system for those on parole/ minimize time for getting police reports/ send remission cases on time to Government for sanction. State government needs to review conditions for sanctioning parole.

6. Food supply

Build a modern kitchen/ provide healthy food to the inmates/increase wages of those who work in kitchen on par with other states.

7. Education/health care

Make all prisoners literate before leaving the prison/ enlist help of leading voluntary agencies/ encourage higher studies/organize lectures by eminent persons /conduct computer classes for young male and female prisoners.

Have better hospital/Lab facilities/ set up isolation wards /post regular MO and paramedical staff- train convicted prisoners-periodic screening for mental illnesses (both male and female prisoners)- transfer serious cases to medical institutions- Have AYUSH facilities

8. Women prisoners

Strictly implement guidelines issued by the Apex court on care of women prisoners and their children. Provide quality legal assistance/ Provide better educational facilities-engage reputed NGOs- take general awareness classes for women- post at least a woman Staff Nurse / have an isolation room/ screen women also for mental illness. Counseling by trained counselors with help from NGOs/ choose better trades in vocational training/ prepare women prisoners for rehabilitation/ have a library section/ telephone booth/visitors room/ kitchenette in women's wing.

9. Complaints management

Make it more effective and efficient

10. Training

Provide quality training to prison staff for changing mindsets

11. Staff welfare

Attend to staff grievances- improve their living conditions-Have a grievance redressal system

12. Solar system/water harvesting

Introduce both systems

13. Correctional administration

Introduce correctional administration with the help of reputed NGOs

14. E-governance

Modernize jail administration -Introduce e-governance in daily administration and prison management

(Contd.)

REPORT ON VISIT TO DISTRICT PRISON CLASS 1, YAVATMAL, MAHARASHTRA ON 27-06-2018

-- S. Jalaja, Special Rapporteur, NHRC

Profile of the district

Yavatmal District is located in the Vidarbha region of Maharashtra, in the east-central part of the state. The District has an area of 13,582 Sq. km and a population of 27.72 L, according to 2011 Census.

Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 12567 crimes Yavatmal district stood 27th in all crime records in the country in 2013. The district reported a crime rate of 453.3 compared to National crime rate of 218.67 in 2013.

Jail Profile and history Originally set up as class 11 Prison in 1872, during the British period, it was upgraded as District Prison Class-1 later on.

Land and infrastructure

The prison is spread over an area of 5.32 Ha with a built up area of 2.32 Ha. The infrastructure comprises of office buildings, 08 barracks for male prisoners and 02 Cells, the Female ward, kitchen, hospital etc. The building are very old; only maintenance has been carried out from time to time.

Manpower

According to approved staffing pattern for the prison, the prison has a sanctioned strength of 59 personnel against which the actual strength reported was 49, with 10 vacancies. The post of Superintendent is filled up. No post of Additional Superintendent is sanctioned. 01 post of Sr. Jailer Grade-1 is vacant. *Among the medical staff no post of Medical officer, Pharmacist and Nursing Orderly are sanctioned.* A police doctor on call attends to the prisoners.

Jail capacity and occupancy Against a sanctioned capacity of 229 prisoners (M-224; F-05, 435 (M-416; F-19)) prisoners are lodged in this prison. 05 children (03 boys; 02 girls) are residing with their mothers.

Category-wise details of prisoners

Out of 435 prisoners, 44 are convicts (all male). 24 prisoners are undergoing Rigorous Imprisonment (RI) and 17 prisoners Simple Imprisonment (SI). 02 LI prisoners are also lodged here. 07 convicted prisoners are sentenced to imprisonment up to 03 months; 27 prisoners for 03 years to 05 years and 08 prisoners 05 years and above.

There are no civil prisoners. No foreign prisoner is lodged here. Convicted and under trial/remand prisoners are segregated, lodged in separate wards. One elderly prisoner above the age of 65 is lodged in the prisoner.

Under-trial Prisoners Under trial prisoners constitute about 92 % (T-391; M-372; F-19) of the prison's population.

Regarding length of stay of under trial prisoners, it was reported that 152 under trials (139 male; 13 female) have spent below 03 months in jail; 74 (72 M; 02 F) spent 03 to 05 months, 78 prisoners (75 M and 03 F) 06 months to 01 year; 54 UTs (53 M; 01 F) between 12 and 18 months; 25 UTs (all male) between 18-24 months and 08 male prisoners 02 years and above.

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Among the under trials 73 (71 male 01 female) are booked u/s 302 IPC. 16 UTs (15 M; 01 F) u/s 376 IPC; 02 (both male) u/s 304 IPC and 07 (all male) u/s 307 IPC. Others are booked under various other provisions of IPC and Special Laws.

As per reports, physical production of under trials in court is affected due to non availability of police escort on time. Out of requisition for production of 829 under trials in the month of May, 2018, , only 469 could be produced before courts. It was stated that only in about 50 % of the cases police escort is provided.

Mentally ill Prisoners.

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. 17 male and 02 female prisoners are identified as having psychiatric problems. A doctor from the Civil Hospital visits the jail once a month.

Extremist prisoners

It was stated that no extremist prisoners are lodged in this prison.

Condition of prisoners.

I went around the different blocks and had interaction with some of the inmates. Barracks had adequate space. They had sufficient number of windows and were well ventilated. The maintenance of wards was good. Lights and fans were in working condition. Cage toilets were kept clean. Water was available in the toilets. Prisoners were seen provided necessities as well as articles of daily use.

I spoke to the prisoners lodged in old barrack no.4. Against a sanctioned capacity of 20 prisoners ,37 prisoners are accommodated here. Pradhamesh 30 has a murder case against him. He has spent 02 years in prison. Sumit Vyas 24 also has a murder case against him. He has spent 20 months in jail. Ganesh Chavan 22 is booked in a case u/s 304 IPC and has been in jail for more than an year and a half. Siddharth Kadke 30 has a case registered against him u/s 376 IPC/POCSO. He has already spent 02 years in jail. Ganesh Rathod 32 is allegedly involved in a murder case. He has already spent 03 years in jail. He stated that trial has not yet started in his case. Ganesh Puri 66 is also booked in a murder case. He has already spent 02 years in jail. He mentioned that he was under the influence of alcohol at the time of

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committing crime. Rohidas Rathod 35 has a murder case pending against him. He has spent 14 months in jail. Ramesh Tumre 46 has a case against him filed u/s 376 IPC. He is in jail for the last 14 months.

I also visited the new barracks. A new two storied building with 04 barracks has been constructed recently. Each barrack has a sanctioned capacity of 75 prisoners. Up to 60 prisoners are lodged in each barrack. Thus around 250 prisoners are accommodated in the new barracks. The barracks are very long and large, well ventilated with barred windows and doors. Lights and fans were in working condition. TV sets are seen installed. Space around Toilets/ bathrooms. A water filter is seen provided.

A separate ward accommodates young (19-21 age group) prisoners. 18 under trials are housed in this barrack. 04 of them are booked in murder cases; 03 u/s 376 IPC 04 cases were under POCSO.

High Security Prisoners

Although there were two Isolation Cells in the prison, both were not occupied at the time of visit.

Women Prisoners

The women's enclosure is located in one of the blocks in the center with space around. The enclosure is large and spacious. The place is kept clean and neat. 19 women prisoners are lodged in this jail. 05 children stay with their mothers. 06 women involved in a quarrel case already got bail. The women's ward has barred doors and windows. Adequate ventilation is available. Lights and fans were in working condition. The room where the women stay is somewhat congested. Some of the women use the veranda. The room has an attached toilet. Outside the barrack two toilets for day use and one bathroom are available.

A LED TV set has been installed. A Sanitary winding machine is seen installed for winding sanitary pads. A CCTV camera has been installed. For entertainment 02 carom boards are seen provided.

I spoke to some of the prisoners. Sarda Rangachin Salwar 35 is a co-accused in a case filed u/s 376 IPC. She said that she had two children. Kamla Vilas Shikhare

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54 and Vimal Bai Doud have cases against them u/s 366/363 IPC. They have been in jail since last 06 months. They confirmed that a lawyer is already engaged to conduct their cases. Santa Manohar 50 is in jail in connection with the killing of her son. According to her son was epileptic and was drunk at the time of his death. She pleaded not guilty. Aswini 37 and Priyanka 21 are sisters and are involved in the murder of the former's mother in law. Others in their family are also stated to be involved. Aswini has two children and Priyanka one child. They stated that they have been given the assistance of a government advocate, but his work has not been satisfactory.

Adult education classes are run for women prisoners. A regular teacher, and one of the convicts and an NGO are involved in teaching them. 20 convicted and under trial prisoners attend the classes. The classes are conducted in an old building with veranda all around.

Female prisoners and their children are currently attended to by the jail doctor. There should be provision for posting at least a female Nurse to take care of women prisoners and their children. Toys and slates have been provided to children Directions of the Supreme Court in RD Upadhyay Vs the State of Andhra Pradesh ought to be *fully* implemented.

Video-conferencing

Video-conferencing facility is available in the prisoner. It is located in an old room. The system is connected all courts, except Laregaon tahsil. As per reports 30-35 prisoners were being produced daily before the courts through this facility. There is need to improve the number and quality of production through VC facility.

Legal Aid It was stated that legal aid is being provided to prisoners. District Legal Services Authority (DLSA) is stated to be active. One Advocate (male) from DLSA visits the jail and provides counseling and legal aid. A woman advocate also visits the prison sometimes. 01 Para Legal Volunteer aid the prisoners in legal matters. Legal-aid camps are also reportedly organized periodically.

Lok Adalat Institutional arrangements for conducting Lok Adalat are not available in the prison, whereas in state of Tamil Nadu it is being efficiently used to reduce the under trial population.

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Sanction of bail

No case of prisoners languishing in jail after getting bail for want of sureties was reported. However, if there are any cases they should be taken up with the courts concerned/ or Lok Adalat, to explore the possibility of releasing them on personal bonds.

Parole/ Furlough/ Remission

All prisoners are allowed parole and furlough as per rules. Parole is sanctioned by the Divisional Commissioner, on the recommendations of the police and furlough by the DIG. It has already been reported to the Commission that introduction of new rules in sanctioning Parole/Furlough has caused considerable difficulties to prisoners.

Custodial Deaths /violence

It is reported by jail authorities that no unnatural custodial deaths were reported in the prison in the last three years.

Escape of prisoners/jail break

It was stated that no jail break incident has taken place in the prison in recent times. Only one case was reported four years back. But the escaped prisoner came back to the prison.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply by Municipal Council, Yavatmal is available. However, it is non functional in the last four months. A bore well is installed in the jail campus from which supply is presently made.

As far as sanitation facilities are concerned, every barrack has cage toilets for night use and adequate number of toilets for daily use. In all 48 toilets are available. Water was available in the toilets. Toilets were generally clean and well maintained. Bathing space is also adequate for male prisoners..

Power Supply

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

Food supply

The jail kitchen is located in an old building. It is congested and needs renovation. Surroundings also needs to be cleaned up. It was stated that a modernization plan is pending with the PWD. LPG facility is available. The kitchen has sufficient ventilation; only one exhaust fan is working though. 14 prisoners are working on rotation basis. Per head cost of food supply was worked out as Rs.30-35/- Rice and wheat are supplied by government. Rest of the items are procured through tenders.

In Maharashtra prison skilled workers are paid Rs.61/-, semi-skilled Rs. 55/- and unskilled Rs.44/-. These rates are too low when compared to Central Jail, Palayamkottai, Tirunelveli, wherein skilled workers are paid Rs 200/-per day and unskilled Rs.160/- per day. Special diet is provided to female prisoners, their children and patients. Food quality appeared to be satisfactory.

Education

Education ought to be pursued in the prison as an important means of reformation. It appeared that regular teaching facilities are not available for male and female prisoners. It was mentioned that study classes are conducted for inmates. No clear information was provided by the authorities. Regular educational/ teaching facilities ought to be made available to the inmates, however short their stay be in prison.

Health care

The prison does not have a full-fledged jail hospital. Instead, only a dispensary (mini hospital) is available. It is located in a separate enclosure. A Lady Medical Officer is stated to be deputed to the jail. Para medical staff consists of 01 regular Pharmacist, and a Medical Orderly (constable trained). It was confirmed that the medical team had necessary equipments.

The dispensary is located in an old building in a separate enclosure. One barrack (with 02 Cells) is attached to the dispensary for keeping patients among prisoners.

More serious prisoners are referred to the nearest government hospital. It was mentioned that getting escorts from the police *was a problem*.

OPD attendance in the hospital reported around 50-60 per day. A separate OPD is set up for women prisoners wherein OPD attendance is 4-5 per day. Patients are kept in two cells. The rooms were well ventilated. Lights and fans were in working condition. The mini hospital looked clean and hygienic. In the patient's ward general patients are kept. In the other cell mentally ill patients are kept. There are 17 mentally ill prisoners (02 women prisoners) out of which 03 mentally ill patients are seen admitted. Suresh Wagadar 50 and Ravi Kottamwar are suffering from epilepsy. Shivchand Ram Bansode is also mentally ill. He was found lying on a bed kept on the floor. He is reportedly involved in a case registered u/s 376 CrPc. Vasudev 30 was booked under the Gambling Act. He reportedly had sickle cell problems

It was stated that prisoners mostly suffer from skin problems. Viral fever is also common.

Lab facilities are not available. X-ray and ECG facilities are also not available. No AYUSH facilities are seen provided. It was stated that tele-medicine facilities have been introduced in the prison recently.

No ambulance is available with the prison administration. It was learned that a new one is sanctioned. There is need to engage a driver.

Telemedicine facilities have been introduced in the prison. However, it should be ensured that the facilities are in working condition and its use efficient. However, emergency cases are referred to the local Civil hospital. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. 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 these jails regularly. But medical camps are no substitute for medical care on day to day basis. Patients are attended by a Medical Officer from police administration. No gynecologist is available. Posts of Para medical staff have not been created or they have not been posted. Posts of medical officers need to be filled up, so also those of supporting staff, wherever vacancy exists. Posts need to be created where none exists.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities (coin box) are available in the prison. The facilities are available to women prisoners (both convicts & under trials) and to male convicts. *Why this facility is not extended to male UTs is not clear. Video call system has been recently introduced.*

A separate visitor's room is set up for prisoners' meeting with visitors which had good facilities, including intercoms.. All inmates are allowed to meet their family members and interact with them twice a month in the case of convicted prisoners and once a week in the case of under trials. Prisoners are allowed 20 minutes time for the meetings.

Board of visitors

It was learned that visitor's Board has not been constituted for the jail.

Complaints management

It was stated that the District and Sessions Judge and the CJM and Secretary, DLSA visit the jail once a month. It is seen that a complaint boxes have been installed to receive complaints from prisoners, to be opened in the presence of the District and Sessions Judge and the DIG (Prisons). One of the boxes need to be opened by the District Collector, as he/she is available locally and is from outside the system. A separate complaint box ought to be installed, also in women's section. The Superintendent of the prison also listens to their grievances while taking rounds. A complaint's Register is also maintained to record complaints from prisoners. 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 small library with around 500 books is available in the prison for use of prisoners. It is located in an old room. One large cell is seen attached to it for conducting classes and other programs.

Recreation

TV facilities are available in the prison for entertainment of the inmates. News papers are also made available to prisoners.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail.

Sports

Due to paucity of space only Indoor facilities for playing chess and carom are available.

Religious activities

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

Yoga/Gym

Facilities for practicing Yoga are available. Yoga and Meditation programs are organized by the prison administration. A special Yoga Session was organized on the World Yoga day with the help of Patanjali Yoga Prathisthan. No Gym facilities are available.

Jail Canteen

Canteen facilities are being provided to the inmates in the prison on no-loss-no-profit basis.. Articles of daily use, food items, stationery etc are available in the canteen.

Vocational Training

It was reported that two male prisoners are engaged in Laundry work. Women are trained in tailoring.

Besides all convicted prisoners who are medically fit are employed as per requirement of the prison. They are paid wages as per approved rates.

Drug De-addiction program No Drug De-addiction program is being organized in the prison. However, a counseling program against drug abuse and use of cigarette and tobacco was organized in the prison 3-5 months back.

Role of NGOs

It was stated that services of Non Governmental Organizations (NGOs) are being utilized. Varad an NGO is said to be offering its services for various activities.

Inspections It was stated that regular inspections are conducted by District and Sessions Judge as well as by the CJM every month. Inspections are also stated to be conducted by senior prison officials. Last inspection was conducted by the ADGP on 19-03-2018.

Security

Security is provided by staff comprising of 02 *Subhedars*, 05 constables and 36 *Sepoys* (08 vacancies). 48 CCTVs have been installed and only 44 are stated to be in working condition. There are no watch towers in the prison campus. Security equipment like 01 Door Frame Metal detector (DFMD), 03 Hand Held Metal Detector (HHMD), 03 Mobile Jammers and 05 walkie-talkies are available. Security of the jail ought to be periodically reviewed. Security personnel ought to be trained well.

It is seen that no official vehicle has been provided to the Superintendent for performing official duties. Prison authority has to hire private vehicles for attending to various duties, which is not desirable from a security point of view. Being a District Prison class-1 at least one official vehicle (with provision for driver) ought to be provided. No ambulance is available for transporting patients to the hospitals outside.

Solar Lighting/water harvesting

Many jails in the country have shifted to the use of alternate energy for a variety of purposes. Solar lighting has been introduced in the prisoner, but no back up is said to be available. Solar lighting/heating facilities need to be installed in the jail.

It appears that not much attention has been paid to having water harvesting facilities in the jail. Since Vidarbha area of Maharashtra is a water scarcity area, water harvesting and recycling of waste water ought to be taken up on priority by constructing soak pits and other water harvesting facilities, wherever feasible.

Training

It is learned that regular training programs, both induction and in-service are being organized for prison officials and staff by prison administration of the state.

Budget

It was confirmed that sufficient funds are available for jail activities. Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Welfare of staff

It is very important to maintain high morale of prison officials and staff by devising suitable incentives. It is not clear whether any staff incentive system exists in Maharashtra similar to that in Tamil Nadu and other states. Attention ought to be paid to the concerns of the staff. It was learned that staff quarters were in poor condition. 37 of the staff quarters are very old. 60 quarters are in condemnable state. Besides, timely promotion, suitable incentives for good performance, facilities for education of children, protection of rights of prison staff etc would go a long way in better prison management.

Modernization

It was stated that a few initiatives have been taken for modernization of the prison. The Prison Department of Maharashtra has launched a program called PRISM through which data is collected and maintained on prisoners across the state. Tele medicine has been introduced in the jail. Efforts, however, ought to be made to convert the prison into an e-prison and courts into e-courts by digitalizing all procedures.

Jail Manual

It is seen that jail administration in Maharashtra is run as per provisions of the Prison Manual, 1879. It is understood that the state government is yet to enact the Model Prison Manual based on the one circulated by the Home Ministry.

Observations & Recommendations

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

1. Jail Infrastructure

A comprehensive plan ought to be put in place for modernization of the jail and new buildings constructed in phases. Care should be taken to build eco-friendly structures to provide natural cooling and lighting.

2. Jail capacity

Against a sanctioned capacity of 229 (male 224; F-05) occupancy reported was 435 (416 male and 19 female). The prisoners are seen evenly distributed. Hence no overcrowding is noted, except in the Women's Section.

3. Manpower

Out of 59 posts sanctioned 49 are seen filled up. The post of Superintendent is sanctioned and filled up. But the post of Medical Officer is vacant. It appears necessary to work out a new staffing pattern for prisons in Maharashtra.

4. Living conditions

Basic facilities like drinking water, regular power supply, bathing and toilet facilities are available to inmates. Barracks were found clean and well maintained. Articles of daily use have also been provided.

5. Under trial prisoners

Under trials constitute roughly 92 % of the prison population in the prison. Data on length of stay of under trials show that 08 UTs have spent 02 years; 25 UTs 18-24 months; 54 UTs 12-18 months and 78 UTs 06-months to 01 year. This needs to be monitored on a continuous basis.

6. Access to justice

Easy access to justice is one of the most important rights of prisoners. Prisoners in various prisons often complain about lack of legal support, difficulty in getting police escort, non-production before courts, cases not being taken up and undue delay in receiving judgments etc. Only in 50% cases police escort is reportedly been provided.

- Legal aid 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 needs to be assessed.
- A system for tracking/**monitoring** of cases should be put in place quickly.

- Attention needs to be paid on efficiency of daily production through video-conferencing and the quality of time spent by each prisoners before the courts.
- 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.
- Data on appeals filed by prisoners ought to be maintained properly.
- A sustained effort ought to be made to reduce U/T population, and minimize their length of stay by strictly enforcing the use of Sec.141 Cr Pc and efficient utilization of *Lok Adalats*.
- Although there are no prisoners languishing in jail for want of sureties, this needs to be monitored regularly.

7. Parole & Furlough

The new set of rules for sanction of parole notified by Maharashtra Government adversely affect the rights of prisoners..

9. Custodial deaths/jail break/custodial violence

No custodial deaths due to unnatural causes were reported in the prison, in last three years. But there is need to sensitize prison staff and review internal security from time to time.

10. Incarceration of women

In my previous report I had pointed out that women are often incarcerated in jail without adequate thought or justification. and that *detention of women, should be an exception rather than rule.*

11. 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. Despite better living conditions in jail traditional, discrimination against women prisoners persist.

Women are generally handicapped by limited education /health care /cooking /sports/ library facilities. Their access to law is difficult. Their participation in religious/cultural/ sports activities need to be encouraged. Guidelines issued by the

Apex Court in RD Upadyay Vs the State of Andhra Pradesh need to be *fully* complied with.

13. Right to education

Jail authorities ought to pay more attention to basic education/literacy among the prisoners. The jails has only limited facilities for imparting basic education , both male and female prisoners. Adequate number of regular teachers are not available for teaching prisoners, especially female prisoners. Basic education ought to be provided, *however short the stay of the prisoners be.*

14. Right to HealthThe Prison, has a mini hospital (dispensary) for heath care of its inmates. No post of medical officer is sanctioned but a Medical Officer from the Civil Hospital visits the prison.

- Hospital facilities need to be upgraded
- A full complement of medical staff ought to be sanctioned/posted.
- A separate OPD for women ought to be set up. Women's wing also ought to have an isolation room.
- Minimum lab facilities ought to be provided
- Mentally ill prisoners, after their identification, ought to be transferred to mental health institutions.
- A system needs to be put in place whereby each prisoner could be tracked on the basis of his/her health profile.
- Health cards of prisoners should be maintained; they need to be computerized and updated from time to time. Some of the convicted prisoners could be trained in this item of work.
- **AYUSH medical facilities** should be provided in the jail, especially to older patients.

16. Prisoner Welfare

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

Entry by visitors ought to be regulated by token systems, as in the case in banks. E-Mulakat System ought to be introduced, starting with Central prisons.

17. Complaints Management

There appears to be a need for having an efficient and open complaints management system put in place in all five jails.

20. Services of NGOs

As NGOs have flexibility and prisoner- friendly approach, their services could be enlarged and effectively utilized in counseling/teaching/training/vocational training and in a variety of other activities.

21. Staff Welfare

Staff welfare also ought to be a priority.

22. Use of Solar energy /water harvesting These two systems should be installed on priority

23. Budget

Budget allotment is considered to be adequate by the jail authorities. However, more funds need to be sanctioned for improving infrastructure, appointment of staff, providing additional welfare measures, integrating correctional administration etc.

Modernization E-governance ought to cover all aspects of prison management.

(Contd.)

PART-V

REPORT ON VISIT TO DISTRICT PRISON CLASS-1, WASHIM, MAHARASHTRA ON 28--06-18

-- S. Jalaja, Special Rapporteur, NHRC

Profiles of the districts

Washim District, is located in the eastern region of Vidharbha. It has an area of 4898 sq. m. With a population of about 12 lakhs it is the 4th least populous district and is one of the least urbanized districts in Maharashtra.

Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 2513 crimes Washim district stood 314 in all crime records in in the country in 2013. The district reported a crime rate of 209.91 compared to National crime rate of 218.67.

Jail Profile and history

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District Prison Class-1, Washim is one of the new prisons in Maharashtra. Although the prison buildings were constructed in 2007 the prison became operational only in 2014.

Land and infrastructure

The prison is spread over an area of 3.26 Ha with a built up area of 741.22sq.mtrs. The prison infrastructure comprises of a two storied building housing Administrative offices, 02 male barracks, 01 women's barrack, Jail hospital, and kitchen.

Manpower

According to approved staffing pattern for the prison, the jail has a sanctioned strength of 60 personnel, but the actual strength reported was only 42, with 18 vacancies. *Although the post of Superintendent is sanctioned, at present the same is vacant.* A senior jailor is in charge. Important posts like that of 01 Jailor group-1, 02 posts of Jailor group-2, 01 post of Medical officer and 03 nursing orderly are vacant. Only the services of a visiting MO are available. 01 Post each of Administrative Officer, Office Superintendent, Senior clerk and Pharmacist have been filled up. Among the administrative staff both posts of Senior Clerk are vacant, but all 06 posts of Clerk are filled up.

Jail capacity and occupancy

As against a sanctioned capacity of 300 prisoners (M-270 M; F-30), only 93 (M-87; F-06) prisoners are lodged in this prison.

Category-wise details of prisoners

Out of 93 prisoners, 07 are convicts (all male). 06 prisoners are undergoing Rigorous Imprisonment (RI-all male) and 01 prisoner Simple imprisonment (male). There are no civil prisoners, foreigners, extremists or *detenués*. 03 elderly prisoners are lodged in the jail. There are 86 under trial prisoners.

Under-trial Prisoners Unlike in other jails visited, under trial prisoners constitute about 90% (T-86; M-80 and F-06) of the prison's population. As per data provided by prison administration regarding length of stay of under trial prisoners 01 under trial has spent more than 05 years; 02 prisoner 04 years; 00 prisoners 03

years; 05 prisoners 02 years and 08 prisoners 01 year and 12 prisoners less than 06 months..

Among the UT prisoners,15 are booked in murder cases (u/s 302 IPC) ;10 u/s 376/377 IPC;01 under 498 (A);and 02 u/s 394/397 IPC.

It was stated that UT prisoners are regularly produced before courts. 95% of the prisoners are being produced before courts. Against 241 escorts demanded 230 were reportedly made available by the police during the month of may,2018..

Extremist prisoners

It is learned that no extremist prisoners are lodged in this jail.

Mentally ill prisoners

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. It was stated that no mentally ill prisoner is lodged in this prisoner. However, periodic screening of both male *and female* prisoners ought to be conducted with the help of *reputed mental health institutions*. Prisoners who are seriously ill ought to be shifted to regular mental care institutions for proper care, as per NHRC Guidelines.

Custodial Deaths /violence

It is reported by jail authorities that no unnatural custodial deaths were reported in the jail in the last 5-6 years. No custodial violence was reported in the jail.

Escape of prisoners/jail break

It was stated that no jail break incident has taken place in the prison.

Condition of prisoners.

Male prisoners are housed in 02 barracks- each barrack has a sanctioned capacity of 45 prisoners. Barrack no.1 had 43 prisoners. Convicted and Under trial prisoners are seen kept together. There was only 01 convicted prisoner in this barrack who is facing a maintenance case.

Barrack no.2 is located on the upper storey. Against a sanctioned capacity of 45, 40 prisoners are kept here.

The barracks are kept very clean. They were spacious and had good ventilation. Both barracks had lights and fans in good condition. CCTVs have been installed in both. Both barracks were seen provided with TV sets and FM radio services. 18 toilets are provided for the use of male prisoners. For bathing platforms are available. Prisoners were seen provided necessities as well as articles of daily use.

I went around the different blocks and had interactions with some of the inmates. Laxman Panduram Shinde 37 is a convicted for 07 years. Ibrahim Khan Ahmed 47 is booked in a case u/s 376. He has spent 20 months in jail as under trial.

Datta Udhav gotte 32 is allegedly involved in a murder case. He has engaged a lawyer. He has been in jail for the last 11/2 years. Sandeep Bikaji Pawar 27 also has spent 01 year in jail. Subhash Tingde 52 is a laborer and has a maintenance case against him. He has already been convicted and spent 01 moth in jail. Sheikh Hakim Sheikh 74 said that he has spent 06 months in jail and has no lawyer. He ought to be provided legal aid without any delay. Dhanraj Dhogudu Chavan 32 has a murder case against him and has spent 2 1/2 years in jail. Rajendra Netayi Ingole 27 is booked u/s 302/304 IPC and has spent 15 months in jail. Prahlad Gopal Thingde 75 and his son Ganesh Prahlad Thingde 32 are booked u/s 307 IPC and have spent 03 months in jail. Janardhan Ramdhar Rathod 43 is also allegedly involved in a murder cases and has spent 4 1/2 years in jail. He stated that his case is delayed, as there were 24 witness to be examined.

The prisoners stated that they had no complaints except the slow progress in their cases.

Women Prisoners

The women's enclosure is large and spacious. The barrack has two rooms -one large and another small. Against a sanctioned capacity of 30 prisoners only 06 are currently lodged here. At the time of visitor one prisoner was taken to court; others were present.

The entire place is kept clean and neat. with 03 windows adequate ventilation is available. Lights and fans were in working condition. A TV set has been installed. FM radio services run within the prison are also available. A water filter helps the prisoners get safe drinking water.

04 sets each of toilets and bathrooms are available. They were kept clean. Water was available in toilets.. Articles of daily use are being supplied. They also confirmed that sanitary pads are available.

At present no pregnant women or children are staying here. Nevertheless, toys are seen provided. When present special diets are provided to children; milk and fruits are served. Educational and recreational facilities are provided to children.

I spoke to some of the prisoners. Chaya Ganesh Dahe 30 is lodged in the jail due to a case u/s 307 filed against her in connection with a communal incident.. Her husband is also in jail. Indira Prakash Geikward 47 is also involved in the same case. Both were illiterate. Rizwan Parveen 40 has a case against her u/s 307 (quarrel case, no death). Her husband is also said to be in jail. She has 03 sons. Surya Tabassum 40 is in jail in connection with the death of her brother's wife. Asifa Ali 55 is also involved in a case u/s 307 (quarrel). She stated that two of her sons are serving military.

As no regular teacher is posted, a teacher volunteer is involved in teaching them.

Female prisoners and their children are currently attended to by the jail doctor who is deputed from the Civil hospital.. There should be provision for posting at least a female Nurse to take care of women prisoners and their children. Directions of the Supreme Court in RD Upadhyay Vs the State of Andhra Pradesh ought to be *fully* implemented. In the recreation hall room some women were working with a sewing machine. Women are also reportedly trained in making handicrafts.

Video-conferencing

Video-conferencing (VC) facility is available in the jail. On the average 02 prisoners are produced, before the courts through this facility every week.. However, there is need to improve the number and quality of production through VC facility. The facility is connected to courts in three tehsils of the district.

Legal Aid It was stated that legal aid is being provided to prisoners, especially after admission.. District Legal Services Authority (DLSA) is stated to be active and provides free legal assistance to those who are not able to engage lawyers. 02 Male and 01 woman advocates from DLSA visit the jail twice a week i.e. on

Mondays and Thursdays and provide counseling. 02 Para-legal volunteers are also said to be assisting prisoners.

Lok Adalat

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

Sanction of bail

No cases of prisoners languishing in jail after getting bail, for want of sureties were reported. Such cases, if any, should be taken up with the CJM/ Lok Adalat, to explore the possibility of releasing them on personal bonds.

Parole/ Furlough/ Remission It was mentioned that convicted prisoners are allowed parole and furlough as per rules. Parole is sanctioned by the Divisional Commissioner, on the recommendations of the police and furlough by the DIG. These Rules were amended in 2015 and 2016. It has already been reported to the Commission that introduction of new rules in sanctioning Parole/Furlough has caused considerable difficulties to prisoners. It is learned that no prisoner has applied for parole.

Different types of remissions are sanctioned including Ordinary Remission, Annual Good conduct Remission, Special Remission and State remission.

Basic amenities

Water supply and Sanitation

It was mentioned that water for use of prisoners is supplied by the Nagar Parishad. Water is also lifted from a well available in the prison premises. It was stated that water quality is regularly checked.

As far as sanitation facilities are concerned every barrack has cage toilets for night use and adequate number of toilets for daily use. There are altogether 07 toilets for female prisoners and 18 for male prisoners. Water was available in the toilets. Toilets were generally clean and well maintained. Bathing space is also adequate.

Power Supply

24 hour power supply is available in the jail. A generator of 35 KV capacity is installed as back up.

Food supply

Food is cooked in a large hall inside the jail kitchen. It has been white-washed and painted recently. Therefore it looked clean. The kitchen has sufficient ventilation. Exhaust fans are fitted on the walls. LPG facility is available. No modern equipment or gadgets are available in the kitchen. No roti-maker is available. Cooking is done with water supplied by the jail. Pipe water supply made by the Nagar Parishad is being utilized for cooking and cleaning. It was mentioned that water quality is checked every month. On the average Rs 35/day/prisoner is spent on food.

07 prisoners are working in the kitchen (02 convicted and 05 under trial prisoners). In Maharashtra jails skilled workers are paid Rs.61/-, semi-skilled Rs. 50/- and unskilled Rs.41/-. These rates are too low when compared to Central jail, Palayamkottai, Tirunelveli, wherein skilled workers are paid Rs 200/-per day and unskilled Rs.160/- per day. The wages paid are credited into the accounts maintained by the jail authorities. Average cost per prisoner works out to be Rs.35 per day. No modern equipment or gadgets are available in the kitchen. Quality of food supplied is checked before serving. Quality of food appeared to be satisfactory.

Education

Not much attention has been paid to literacy and education in this jail. It is seen that no teachers have been engaged to teach the inmates This may be probably due to the fact that most of the prisoners under trials (including female prisoners). Many of them come and go with the result that neither the prisoners nor the prison authorities take interest in the matter. It is however, seen that many UTs stay for long periods. Therefore educational programs ought to be organized in jails however short the prisoners stay be. By utilizing services of prisoner volunteers or with the kelp of reputed NGOs these programs can be organized without much efforts.

Health care

A mini jail hospital (dispensary) is available in the jail campus. It is housed in a hexagonal building. The hospital appeared to be clean and well maintained.

Although the post of Medical Officer is sanctioned no regular MO is posted. Instead a doctor from the civil hospital makes a weekly visit. A lady doctor is said to be on call. Although a regular Pharmacist is posted 03 posts of Nursing Orderly are vacant. OPD attendance is stated to be around 10 per day. No isolation ward is set up. It was pointed out that the Civil hospital is only 1/2 a kilometer away. Getting escort was reportedly not a problem. In emergency jail guards are used as escorts. Specialists from the Civil Hospital organize weekly OPD on skin care/ Dental care. Medical camps are organized once in a month. Among the diseases, skin problems were reported earlier. No case of Malaria or TB has been detected. Nor any case of HIV/AIDS was reported. No shortage of medicines was reported. No AYUSH facilities are seen provided.

Telemedicine was started in the prison w.e.f.1-8-2017 on weekly basis.. 250 cases were taken up in the program organized with the help of with the Civil Hospital.

A system needs to be put in place whereby each prisoner could be tracked on the basis of his/her health profile. Health cards of prisoners should be maintained; they need to be computerized and updated from time to time. Some of the convicted prisoners could be trained in this item of work.

PCOs/Telephone facility/waiting room/visitors

It is seen that no telephone facilities/PCOs (coin box) are available in the prison. A BSNL facility is currently being used. It was however, learned that the facilities are available only to women prisoners (both convicts & under trials) and to male convicts. *Why this facility is not extended to male UTs is not clear.* A modern telephone facility ought to be installed without any further delay.

A separate visitor's room is set up for prisoners' meeting with visitors All inmates are allowed to meet their family members and interact with them once in two weeks in the case of convicted prisoners and once a week in the case of under trials.

Board of visitors

It appears that no Visitor's Board has been constituted in the jail.

Complaints management

It was stated that the District and Sessions Judge and the CJM visit the jail once a month and listen to complaints from the inmates. Further, complaint boxes have been installed in every block to receive complaints from prisoners, to be opened in the presence of the District and Sessions Judge and the Additional Director General of Prisons. One of such boxes needs to be opened by the District Collector, as he/she is available locally and is from outside the system. Complaint boxes need to be installed in the Women's Section too. The Superintendent of the prison also listens to their grievances while taking rounds. Prison Visitor Committee visits the jail regularly. Besides Legal Aid Committees also interact with the prisoners.

Despite these measures, 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 350 books is available in the jail for use of prisoners. News papers are supplied to convicted prisoners free of charge and on demand to UT prisoners.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail. It is seen that a Sanskritik Bhavan having a multi-purpose hall is constructed in the prison campus to conduct various activities like cultural programs, Yoga, Medical camps etc. it is quite spacious.

Sports

No outdoor games like volley ball and badminton are organized for want of adequate space. Indoor facilities for playing chess and carom are available.

Religious activities

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It was stated that prisoners are allowed to follow their own religious practices. Facilities for worship are available in the prison.

Yoga/Gym

Facilities for practicing Yoga are available.

Jail Canteen

Canteen facilities are being provided to the inmates in the jail on no-loss-no-profit basis. Prisoners are allowed to spend up to Rs.3500/- per month. Articles of daily use, food items, stationery etc are available in the canteen.

Vocational Training and employment

It was reported that vocational training is being provided to prisoners-in goat farming only .

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

Role of NGOs

It was stated that services of 02 Non Governmental Organizations (NGOs) Ma Ganga charitable Trust and Samata Foundation are being utilized in various activities. Free medical camps on eye and skin care are organized with their help.

Inspections It was stated that regular inspections are conducted by District and Sessions Judge as well as by the CJM once a month. Inspections are also stated to be conducted by senior prison officials. It was reported that inspection was conducted by the ADG 11/2 months ago.

DIG (P) inspects the jail once in 06 months.

Security

Security is provided by staff comprising of 02 *Subhedars* (02 posts vacant), 06 *Havaldars* (05 posts vacant) and 24 *Sepoys* (08 vacancies). No towers have been set up. Security outside the jail is provided by police personnel. Security equipment like Hand Metal Detector, Door Metal Detector, and mobile jammer are stated to be available. It is important to have Annual Maintenance Contracts

(AMC) with supply agencies so as to ensure that they are in working condition. 16 CCTVs are installed out of which 14 are functional. Jail security ought to be reviewed periodically. Security staff ought to be given proper training.

Staff facilities

It was stated that although the staff quarters are smaller in number they were in good condition, as the buildings are somewhat new.

Transport

No transport facility is available with the jail administration.

Solar Lighting/water harvesting

Many jails in the country have shifted to the use of alternate energy for a variety of purposes. Solar lighting has been introduced in this jail. Solar water heating has not yet been introduced in the jail.

It appears that not much attention has been paid to having water harvesting facilities in the jail. Since Vidarbha area of Maharashtra is a water scarcity area, water harvesting and recycling of waste water ought to be taken up on priority by constructing soak pits and other water harvesting facilities, wherever feasible.

Training

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

Budget

It was confirmed that sufficient funds are available for jail activities. In financial year 2017-18 a budget allocation of Rs 2.6 crores has been reported. Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Modernization

It was stated that a few initiatives have been taken for modernization of the prison. The Prison Department of Maharashtra has launched a program called PRISM through which data is collected and maintained on prisoners across the state. Tele

medicine facilities have been introduced. Different sections of the prison are computerized.. Efforts ought to be made to convert the jail into an e-prison and courts into e-courts by digitalizing all procedures.

Jail Manual

It is seen that jail administration in Maharashtra is run as per provisions of the Prison Manual, 1879. It is understood that the state government amended different provisions of the Manual, in 2015 in tune with directions issued by various courts. However, it is yet to enact a comprehensive Model Prison Manual based on the one circulated by the Home Ministry.

Observations & Recommendations

District Prison, Washim is one of the newer prisons in Maharashtra. It has fairly good infrastructure. Basic facilities like drinking water, regular power supply, sanitation facilities are available to inmates. But some issues still need attention.

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

1. Access to justice

- Under trial prisoners constitute about 90 % of the prison's population. As per data provided by prison administration 01 under trial *has spent more than 05 years*; 02 prisoners *have spent 04 years*; 05 prisoners *more than 02 years*; 08 prisoners *more than 01 year* and 12 prisoners *less than 06 months* in the prison..
- Although physical production appears to be high (95%), video-conferencing facility is being under-utilized in the prison.
- States of Tamil Nadu and Telangana have by the efficient use of the Lok Adalats for speedy disposal of petty cases and implementation of Sec.141 Cr Pc (by the police) for minimizing arrests have been able to significantly reduce their UT population. The same needs to be replicated here.
- DLSA ought to play a more active role in providing legal assistance/counseling to under trials

- 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.
- A system for tracking/**monitoring** of cases is not maintained.
- Issues relating to under trials ought to be placed before the District Level Committee chaired by the District Judge, with DM and SP as members for taking urgent action.
- Data on appeals filed by prisoners ought to be maintained.

2. Custodial deaths/jail break/custodial violence

No custodial deaths due to unnatural causes were reported in the prison, in last three years. However, security staff ought to be sensitized on this issue and internal security reviewed from time to time.

03. 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. Despite better living conditions in jail traditional, discrimination against women prisoners persist.

Women are generally handicapped by limited educational /health care /cooking /sports/ library facilities. Their access to law is difficult. Their participation in religious/cultural/ sports activities need to be encouraged. Guidelines issued by the Apex Court in RD Upadyay Vs the State of Andhra Pradesh need to be *fully* complied with.

04. Mentally ill prisoners

Although no mentally ill prisoner is reportedly lodged in this prison, it is necessary to conduct periodic screening of prisoners by a team from nearest mental hospital.

05. Right to Education

The prison has only limited facilities for imparting basic education, both male and female prisoners. Jail authorities ought to pay more attention to basic education/literacy among the prisoners. Adequate number of regular teachers are not available for teaching prisoners, especially female prisoners. Basic education ought to be provided, *however short the stay of the prisoners be.*

06. Right to Health

The prison has only limited health care facilities of its inmates. Health facilities in the prison ought to be upgraded. **AYUSH medical facilities** should be provided in the jail, especially to older patients.

07. Prisoner Welfare

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. An RO plant ought to be set up to provide safe drinking water to not only the inmates but also to staff members and their families.

Communication with family members is very important for prisoners. **No telephone facilities are available to prisoners in this prison.** . *A modern telephone management system ought to be introduced without any further delay.*

It is generally seen that even when Board of Visitors is notified, Members do not visit the jails regularly. This system should be made more efficient. Only limited sports facilities are available in this prison due to space constraint. Gym facilities are not available.

08. Complaints Management

There appears to be a need for having an efficient and open complaints management system put in place in the prison. Separate facilities ought to be made available to women prisoners. Barring a box to be opened by District and Sessions Judge, the others are being opened by the different officials of the jail hierarchy (they ought to be opened by the DM/SDO who are not a part of the prison hierarchy). Prisoner's Durbars need to be jointly organized by DM/SP from time to time .

09. Rehabilitation

The jail ought to draw up a rehabilitation plan for convicted prisoners and organize vocational trainings..

10. Services of NGOs

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

11. Staff Welfare

It is very important to maintain high morale of prison officials and staff by devising suitable incentives. It is not clear whether any staff incentive system exists in Maharashtra similar to that in Tamil Nadu and other states. Providing timely promotion to senior officials and staff ought to be taken up every year. A system ought to be put in place for listening to their grievances. Staff welfare ought to be a priority.

12. Use of Solar energy /water harvesting

It is seen that efforts have been made for harnessing solar energy for lighting purposes in a limited way. Water harvesting and recycling ought to be made mandatory in all prisons.

13. Security

Only minimum level security is reportedly provided in this prison. Security ought to be reviewed periodically.

14. Modernization

Some initiatives like PRISM and Tele-medicine have already been taken. E-governance ought to be taken up on a bigger scale to bring about transparency and accountability in administration.

15. Prison reforms

Prison reforms need to be undertaken to ensure that all prisoners are not treated as criminals. Sensitization and Training at all levels and periodic assessment of its impact ought to be undertaken.
