

REPORTS ON VISITS TO SUB JAILS, DAHOD AND CHHOTA UDAIPUR GUJARAT ON 18 & 19 -07-2018

---S, Jalaja Special Rapporteur

As per sec. 59 of the Prisons Act, 1894 sub jails are categorized as those having accommodation to lodge not more than 250 prisoners. Sub jails Dahod and Chhota Udaipur are two of the 11 sub jails in Gujarat. I visited the two jails on 18th and 19th July, 2018. Reports on visits to the two jails are given in Parts 1&11 below.

PART-1 REPORT ON VISITS TO SUB JAIL, DAHOD ON 18 -07-2018

Profile of the district Dahod district is located on the southern coast of Gulf of Kutch in the state of Gujarat. It was formerly a part of Panchmahal district. According to the 2011 Census, the district has an area of 3642 sq.kms and a population of approximately 21.27 lakhs. Scheduled Tribes constitute 74.30% of the population of the district.

Crime profile of the district

Incidence of crimes is comparatively low in the district. As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **1544** crimes Dahod district stood **411** in all crime records in the country in **2013**. The district reported a crime rate of **72.59** compared to National crime rate of **218.67**.

Jail Profile and history

Sub Jail, Dahod is one of the three sub jails set up by the former provincial rulers of the state in 1868. It is located in the former Mamlatdar office in Dahod.

Land and infrastructure

Prison infrastructure comprises of 05 barracks and a small office room.

Manpower

The jail is managed by the office of the Mamlatdar, Dahod. at present. Sanctioned staff comprise of 01 Jailor-(employee of Mamlatdar office), 01 police guard and 03 constables.

Jail capacity and occupancy

Against a sanctioned capacity 30 (06 prisoners/barrack) 60 prisoners are currently lodged in this prison. All are male prisoners; no female prisoners are lodged here. This is essentially a remand prison. All prisoners are under trials.

Condition of prisoners.

Against a sanctioned capacity of 06 for each barrack, on the average 12 prisoners are lodged in each of the barrack. It was noted that

- The barracks (size 10x 15) are very congested due to overcrowding.
- There was no proper ventilation inside the barracks
- Natural lighting also was not available, but lights and fans were in working condition.
- Each barrack has an attached toilet and bathroom each. Water was available for use in toilets.
- Drinking water is kept in pots in the barracks. No RO system is installed
- Articles of daily use are being supplied.
- No jail dispensary has been set up. For medical assistance inmates are referred to the block health facility. A MO also is said to visit the jail on Wednesdays every week.
- No educational facility is available. There is no library in the jail
- Food is supplied with the help of a contractor
- A legal aid clinic is set up by DSLA. 03 male advocates reportedly visit the jail every saturday-03 prisoners have been reportedly given legal aid.
- Majority of prisoners are involved in offences like Murder, Kidnapping and Abduction (POCSO).
- Vocational training is not being provided
- Inmates follow their own religious practices. No place of worship is available.
- No sports facilities have been provided.
- Visitors are allowed to meet the inmates. No separate visitors room is available
- Telephone facilities are not provided

- No proper system for management of complaints is seen in place. A complaint box has been installed. But whether any one opens it is doubtful.
- No CCTV is seen installed. Proposal for one is under consideration.
- Construction of a modern jail is stated to be under consideration of the Government . Land has been identified for this purpose.
- Reports in the media point out that not all is well with the jail. It was reported that in May, 2017 on a raid conducted, illegally kept cell phones were allegedly recovered from the barracks. In November, 2018 certain banned items were reportedly recovered. The incidents point out to lack of proper supervision in the jail as well as security lapses..

Condition of prisoners

Barrack No.1 Sanctioned capacity -06 ; Occupancy; 10 ; congested due to overcrowding; insufficient ventilation; lights fans in working condition; attached toilet and bathroom provided; Articles of daily use have been supplied; Drinking water available.

I spoke to some of the inmates. Raj Sanjay Dal Singh - employee of the Taluka Panchayat; spent 03 months; charges of misappropriation of funds; Parmesh Pareshbai Jatya 24 ; POCSO case; spent 03 months; Mavi Sailesh Narasingh 21 and Nilesh Bhagan Baria 24 ; murder case; spent 04 months in jail. Raja Amar Singh Malabai ; clerk in Ashram school; resorted to cash transactions, instead of DBT in handling school funds; Vahania Nitin Kumar 24 POCSO; spent 25 days in jail.

Barrack No.2 Occupancy -11 prisoners; very congested; No proper ventilation attached bathroom and toilet available; DW available.

Vijay Kumar Galabai 23; POCSO case; has lawyer; spent 13 months; Rohit Mahendra Shukla 20 is from Jaunpur, UP; case under POCSO; spent 07 months. has a lawyer; Rajubai Modibai 25; booked under POCSO; spent 03 months; lawyer-yes; Dineshbai Meena 34; Income Tax Officer trapped by ACB; spent 12 months; advocate yes; Sanubai Palash 35; prohibition case; spent 04 months.

Barrack No.3

Occupancy: 12- congested;

Bammia Paswan 56; teacher; POCSO case; has legal assistance; spent 07 months in jail; Dileep Kumar Deval 34 and Som Nawal Singh 27; both involved in the same murder case; spent 15 months; have legal assistance; Palash Kamlesh 30- Murder case-has advocate-spent 16 months; Babor Chandra Singh Lala 32; ex-Army; case- murder of his wife-; spent 06 months

Barrack no.4 Occupancy 12 inmates- over crowded

Kiranbai Gamba 25 -mentally ill; murder case; shown to Mental Hospital, Baroda; ought to be transferred to that hospital; Mahesh Mahida 31; POCSO case; spent 01 year; advocate yes; Dharubai Dabor 22 ; POCSO case; spent 17 months; Ajitbai Bamaria 20 POCSO; spent 07 months; Devra Sahavarbai 31; POCSO;12 months; Manushkbai Damor 35; 302 IPC; **spent 02 years**; Ratnabai Mahida 60; 302 IPC-spent 07 months ; Madhur Mavi 50 ; 302 IPC; spent 06 months; Maljhibai Babor 65- Quarrel case; land-spent 18 months-has legal assistance.

Barrack No.5 Occupancy: 14 inmates; Babhor Kamlesh 19: POCSO; 1/12 years-; advocate yes; Ajmel Mehta 22, Rameshbai Balwal , Mohania Ram Singh 18-; all three together-397 IPC; spent 11 months; Mayank Mehta 20; POCSO; spent 04 months ; vakil yes; Mithun Mavi 22; Theft-395 IPC; 02 months; advocate yes; Vasram Bhuria 65, Ratnabai 50 and Kalsingh Visran 40; all three together--302 IPC; spent 1 1/2 months in jail.

Observations & Recommendations As already mentioned Sub Jail, Dahod is one of the oldest sub jails in Gujarat. While setting up this jail as a remand prison attached to the Mamlatdar office, perhaps the intention of the founders was to keep only a few prisoners involved in petty crimes, that too for very short periods. However, what one finds is that, in reality, the jail functions as a regular prison wherein prisoners who are allegedly involved in serious crimes are lodged for longer periods. Some of the inmates have spent 06 months to 01 year or more in jail.

The prisoners are forced to live in overcrowded barracks, without proper ventilation. Sleeping on the floor in congested space is next to impossible. Toilets and bathrooms open into the barracks. Quality of drinking water is uncertain since no RO system is seen installed. There is no open (protected) space around the jail where the prisoners could spend some time during the day. Food is supplied by a

contractor. For health care prisoners are dependent on block level hospitals (CHC) wherein indoor facilities are almost non-existent. Prisoners while away their time, as they have nothing to do during the day.

It is reported that there are two other similar sub jails in the district, one at Jhalod and the other at Devgadhi Baria. Probably their conditions are the same as those in this jail. It is therefore clear that *a district jail with full-fledged facilities ought to be set up in this district without any further delay.*

Suggestions/ Recommendations

Keeping in view of the above mentioned conditions it is suggested that

1. Prisoners who are involved in serious offences like 302 IPC be shifted to other jails suitably to reduce congestion in the barracks. Additional space should be provided to the jail or alternately it may be shifted to a place with larger area till such time a new jail is constructed.
2. Proper space *for sleeping* ought to be provided to each prisoner.
3. Prisoners ought to be produced before courts regularly.
4. DLSA ought to be more active. Legal aid ought to be provided to all prisoners.
5. Petty cases should be disposed of in *Lok Adalat*.
6. Many young prisoners are involved in POCSO related cases. It appears that they are mostly Kidnapping & Abduction cases.
7. Provision for safe drinking water ought to be made
8. SHG s may be involved in supplying food to the inmates
9. MO should visit the jail at least thrice a week. Regular health check- ups need to be organized with the help of reputed NGOs
10. Screening for mental illness ought to be carried out with the help of a team from Mental Hospital, Baroda; the prisoner identified as mentally ill ought to be transferred to that hospital as per NHRC guidelines.
11. A system of supplying books and news papers to the inmates ought to be put in place
12. Indoor sports facilities like chess and carom should be provided
13. Telephone facility may be provided; proper visitors room may be arranged
14. Jail security should be reviewed periodically ; a CCTV ought to be installed .
15. Jail budget ought to be reviewed.
16. Regular inspection of the jail should be carried out.
17. Status of prisoners ought to be reported to District Level Committee chaired by the DJ regularly for review.

18. DM/SP ought to visit the jail some times to hear the grievances of prisoners. These suggestions could be more or less applied to the other two Sub jails too.

PART-11

**REPORT ON VISIT TO SUB JAIL, CHHOTA UDAIPUR, GUJARAT ON
 19-07-2018**

-- S. Jalaja, Special Rapporteur, NHRC

Profile of the district Chhota Udaipur (Chhota Udepur) is one of the three former princely states of eastern Gujarat. It was carved out of the Vadodara district on 26 January 2013, with its headquarters at Chhota Udaipur town..

According to the 2011 Census, the district has an area of 3087 sq.kms and a population of approximately 9.61 lakhs. Population of the district is predominantly tribal.

Crime profile of the district Incidence of crimes is comparatively low in the district. According to District Police, Chhota Udaipur, 1602 IPC crimes were reported in the district in 2015; 1508 crimes in 2016 and 1527 in 2017. In 2015 1821 SLL offences were reported; in 2016 1593 offences and in 2017 1350 offences. Largest number of offences relate to prohibition (3687 in 2015; 3680 in 2016 and 4085 in 2017).

Jail Profile and history **Sub Jail**, Chhota Udaipur was originally established in 1915, during the British period. Although the district of Chhota Udaipur was formed in 2013, the sub jail has not been upgraded to as District Jail so far. The original buildings are retained as such, with few additions/ alterations.

Land and infrastructure The jail has a total extent of 6294.20 sq m., out of which 2871.66 sq. m form covered area of the jail. Staff quarters occupy 498.10 sq. m. Balance 2924.44 sq. m form open space around the jail.

There are altogether 22 barracks (10x10) for male and 01 barrack for female prisoners.

Manpower It is seen that against a sanctioned staff strength of 19, 15 posts are filled up; 04 posts are stated to be vacant. All sanctioned posts, except that of 04

posts of Sepoys (constables) are seen filled up. Posts of Medical Officer, Nursing Orderly and Pharmacist have not been sanctioned so far.

Jail capacity and occupancy Against a sanctioned capacity of 107 (102 male and 05 female), 127 (120 male and 07 female) prisoners are accommodated in the jail. No children are currently staying with their mothers. No pregnant women prisoners is reported to be present.

Category-wise details of prisoners Out of 120 male prisoners only 03 are convicted; rest are under trials. All 03 convicted prisoners are undergoing rigorous imprisonment (RI). Among the female prisoners none were convicted. All 07 were under trials. Civil prisoners/detenué were reported as nil. There were no prisoners of NDPS/ extremist category lodged in the jail.

Under-trial Prisoners Being a sub jail under trials constitute majority of the prison's population (about 97%). Out of 124 under trials 117 are male and 07 female prisoners.

As per report of the jail administration regarding length of stay of under trial prisoners in jail, 92 prisoners (90 M; 02 F) have stayed up to six months; 12 prisoners (11 -M; 01-F) for 6-12 months; 15 male prisoners for 1-2 years; 09 male prisoners for 2-3 years and 08 between 3-4 years. Authorities ought to make a determined effort to reduce the U/T population, by increased production of UTs through video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc.

Condition of prisoners. I went around various wards and had interactions with the inmates. I visited Ward No.3. It is quite small (8x15). The wards were generally clean and had enough ventilation. Lights and fans were in working condition. Toilets for night use and 03 toilets for day use were available. 03 bathrooms are also provided. The condition of toilets was satisfactory. Drinking water was available. Prisoners are also provided all essential items of daily use like clothing, linen, blankets, mat, towels etc. Except for the long pendency of cases, no complaints were received.

Women Prisoners 07 female prisoners are lodged in the female barrack which comprises of a small hall. It was well lighted and ventilated. Fans and lights were in working condition. RO system is available for providing drinking water.

Attached toilet and a bathroom is available .They were well maintained. No separate kitchen is available in the ward.

I spoke to some of the prisoners. Jingli ben is in jail in connection with the murder of her husband. She was allegedly having extra-marital relationship. Vechli ben also is in jail in connection with a murder of her husband. Rantu ben also has a murder case against her. She came to the jail on 27-6-2018. She was allegedly having a relationship with another man. Remaining 04 women were involved in cases relating to sale of illicit liquor.

All 07 female prisoners are under trials. It is seen that no teachers are deputed for teaching the women prisoners or their children. As for health care of women prisoners it was stated that no Gynecologist or lady doctor is posted in the jail to take care of them. OPD is managed by a male MO . Patients are referred to Civil Hospital, Chhota Udaipur. No regular nurses are posted. The administration ought to have ensured the presence of at least an ANM by deputation from the nearest health facility.

Since all are under trials no vocational training is taken up for women prisoners. No sports activities are being organized for women prisoners.

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

Mentally ill prisoners It was stated that at present no prisoner is identified as mentally ill. Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc It is surprising that with a population of around 127 prisoners the jail administration has not been able to identify a single prisoner as mentally ill. It would appear that no proper screening for mental illness is conducted at the time of admission or subsequently, on regular basis.

Custodial Deaths /violence No custodial death or violence was reported in the jail.

Escape of prisoners/jail break one incident of escape was reported in the jail in 2015. He reportedly escaped *through the main gate*. The escaped prisoner could not be tracked..

Basic amenities

Water supply and Sanitation It was mentioned that apart from municipal water supply, water supply is also is currently being provided in the jail by pumping water from a well in the jail premises. RO system is installed.

As far as sanitation facilities are concerned adequate number of toilets and bathrooms are available for use of the inmates.

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

Food supply The kitchen is set up by renovating one of the old barracks. Pipe water supply from the municipality is available for cooking, washing and cleaning purposes. LPG is available for cooking. 08 UTs are working in two shifts to prepare food for the inmates. They are paid Rs.70/day. Food materials are procured from suppliers through tender. Per head cost of food was reported as Rs.50/- only.

Education Not much attention appears to have been paid to literacy and basic education of the inmates. No regular teachers are deputed to the jail. Volunteers from among the prisoners teach the others.

It is necessary to provide literacy/basic education to those who are illiterate or semi literate, however short their stay be. Regular teachers ought to be deputed.

Health care The jail depends on the Civil Hospital, Chhota Udaipur for health care of the prisoners. But for a dispensary no hospital is seen set up in the jail. No lab or pharmacy is available, due to paucity of space. A medical officer from the Civil Hospital visits the jail once a week. No lady doctor visits the prison. Patients are referred to Civil Hospital for treatment. OPD attendance was reported as 40/day. No posts of medical staff or technicians are sanctioned. This set up is least satisfactory. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. Besides, it is difficult to get timely and satisfactory treatment in over- crowded government hospitals. Medical camps are no substitutes for hospital care on day to day basis. A regular medical officer

should be posted quickly without any further delay. If it is not possible to post a lady doctor at least a nurse from the nearest health facility ought to be deputed for the care of women prisoners and children. A Pharmacist also ought to be posted. One of the convicts also needs to be trained in health care as Para-medic. Civil Surgeon, Chhota Udaipur ought to visit the jail at least once a month. Individual medical records of prisoners need to be maintained ; they also need to be computerized.

Video-conferencing Video- conferencing facilities are available in the jail, but are not connected with courts within or outside the districts. This needs to be attended to without any delay.

Legal Aid It was stated that legal aid is being provided to prisoners. District Legal Services Authority (DLSA) needs to be actively involved in legal counseling and assistance to the inmates, as it is seen that a good number of prisoners are languishing in jail for years together as under trials. 01 male and female advocate reportedly visit the prison to provide legal assistance to prisoners. One prisoner has been trained as a Para legal volunteer.

Sanction of bail It was stated no prisoner is languishing in jail after getting bail, for want of sureties.

Lok Adalats It was stated that although the CJM visits the jail, *Lok Adalats* are not being organized. This should be taken up on priority. States like Tamil Nadu and Telangana have effectively used this system to significantly reduce under trial population in their jails.

Parole/ Remission It was stated that paroles are sanctioned by the DM. Paroles ought to be sanctioned to those who are convicted, on regular basis. Two cases of Remission are stated to be pending at present.

PCOs/Telephone facility/waiting room/visitors It is seen that only one telephone *is available to* prisoners for communication with their families. A modern PCO facility ought to be installed in the jail without any further delay. The facility ought to be installed in the female section too. In the absence of the facility, prisoners are bound to use mobile facilities illegally. This also encourages corruption.

Board of visitors It was learned that a visitor's Board has been constituted in the jail and that it makes regular visits to the jail. Last visit was on 25-7-2017.

Complaints management Complaint boxes are installed to receive complaints from prisoners to be opened by the District and Sessions Judge as well as IGP. Superintendent of the prison in the course of his weekly rounds listens to their grievances. District Collector and SP ought to have interaction with the prisoners at their convenience..

Library A small library with around 1500 books 709 magazines is set up in the jail for use of prisoners.

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

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

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

Yoga/Gym Facilities for practicing Yoga are at present available. At present Yoga sessions are organized with the help of Brahmakumaris. It is necessary to train one or two volunteers from among the prisoners. Care ought to be taken that it should be organized on voluntary basis. Training ought to be provided to women prisoners too. No Gym is available for the use of prisoners..

Canteen facilities are not available in the jail.

Vocational Training No vocational training is organized, as this is a remand jail.

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

Role of NGOs Services of only one Non Governmental Organization (NGO) i.e. Brahmakumaris is being currently utilized.

Inspections It was stated that regular inspections are being conducted by the authorities. District Judge visits the jail once a month. CJM visits the jail every

week. Besides, regular inspections are being carried out by IG (prisons), DIG (Prisons) and other senior officials. Last inspection was by a team from the Hqs in May 2018. DM visits the jail at times.

Security A team of 1+3 police personnel guard the jail. Jail guards take care of internal security. There is, however, need to sanction more posts of security staff. . Only 01 watch tower is available..Only 01 CCTVs is installed in the jail. Security equipments like HHMD ,Door Frame Detector, high mast pole etc are stated to be available. Security arrangements -both external and internal-need to be periodically assessed.

Solar Lighting No solar lighting /heating has been introduced in the jail so far. Water harvesting facilities also needs to be installed.

Training It is very important to train the jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It was confirmed that training programs are regularly organized for jail officers and staff.

Budget It was confirmed that sufficient funds are available for jail activities. A budget of Rs 77. 03 lakh (non-plan) for the period April-October, 2017 to March 2018 , was sanctioned, against which full expenditure was reported. Rs.21.99 lakhs are spent on diet of the inmates. Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Jail Manual It is understood that amendments are being carried out in the existing Jail Manual from time to time by the state Government. In fact, it is time that a new Jail Manual is brought out quickly by the State Government.

Modernization It was stated that a new jail is proposed to be constructed. Instead of taking up constructions in a piece-meal fashion, it is necessary to have a comprehensive plan for the entire jail. Construction could be taken up in phases, as per need. The buildings to be constructed ought to be eco-friendly with solar lighting/heating and water harvesting facilities.

Modernization implies not only that of physical infrastructure, bur also modern management of prisons. It also means integration of correctional administration with general administration in prisons.

Observations/ Recommendations:-General recommendations/suggestions have been included under different items in this report. However, specific recommendations in respect of this jail are summarized below:-

1. Preparation of a comprehensive plan for modern jail, along with planning for necessary staff.
2. Sanctioning additional posts, especially that of medical officer and supporting staff.
3. Posting additional security staff
4. Reducing under trial population/Regular production before courts. Application of Sec 141 Cr PC. Organizing *Lok adalat* for disposal of petty cases.
5. Provision for literacy/basic education
6. Up-gradation of hospital/Lab facilities
7. Screening for mental illness/TB Malaria/HIV/AIDS
8. Posting of ANM
9. Women prisoners/children-full compliance of SC-directions
10. Setting up Telephone System/meeting with visitors
11. Put in place an effective Complaint management system
12. Involvement of NGOs in various activities
13. Training of jail Officials and staff in human rights issues concerning prisoners
- 14 . Provision for water harvesting/ solar lighting/heating in the new jail proposed.
