

**REPORT OF SHRI CHAMAN LAL, SPECIAL  
RAPPORTEUR, NATIONAL HUMAN RIGHTS  
COMMISSION ON HIS VISIT TO GOA FROM  
30 JANUARY TO 2 FEBRUARY, 2005**

As directed by the Commission, I visited Goa from 30 January to 2 February, 2005 to study jail conditions in the State. I visited all the 5 jails of the State.

The Jail Department of Goa was placed under the charge of the Law Secretary as ex-officio I.G. Prisons soon after the liberation in 1961. In the year 1975, it was transferred to the Collectorate of Goa with Collector, Goa North as IG Prisons. It now has 5 jails. These are: Central Jail, Aguada, Sub-Jail Sada, Vasco, Judicial Lock-up, Panaji, Judicial Lock-up, Mapusa and Judicial lock-up, Margao.

Before visiting the jails, a meeting was held with the IG Prisons and senior jail officials to work out the parameters of the study. I.G. Prisons Shri A.V. Bhartu was kind enough to depute Shri Vasanth Bodnekar, Additional I.G. and Shri James Rodrigues, Section Officer from his HQ to accompany me to all jails. Their presence were found very useful in the study. The outcome of the study is described below jail-wise.

**CENTRAL JAIL, AGUADA**

I visited the Central Jail, Aguada on 31 January, 2005. Prior to liberation, the Central Jail was functioning at DIU. After liberation it was shifted to Margao, which is now having a sub-Jail functioning as the District Jail for Goa South. The Central Jail was

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shifted to Aguada Fort in 1968 which was earlier holding a sub-jail (Reis Magos). The sub-Jail was closed and merged with the Central Jail in 1993. It was later shifted to Sada Vasco on construction of new building in January, 1996.

### **PRISON PROFILE**

Shri Gajanand Kenaudkar, Supdt. explained the infrastructure and the functioning of the jail. Central Jail, Aguada is functioning from an old fort constructed in 1612. It has 16 cells. 2 cells have been closed for demolition. 11 cells are meant for prisoners, 2 for jail industry and one for Jail canteen.

The sanctioned capacity of the prison was earlier 177 – 142 male and 25 female. However after the closure of 2 cells (cell No.8 and 9) and construction of additional toilets in cell No.2 and 3, the actually available accommodation has brought down the sanctioned capacity to 127. The actual population on the day of the visit i.e. 31.1.2005 was 186 – 171 male and 15 female.

The daily average strength of the previous month (Dec.2004) was 167. The Supdt. informed that the female population fluctuates from 10 to 15 causing no problem of overcrowding. The male population of jail fluctuates from 140 to 170. Taking 160 as the average population, the overcrowding comes to 26% considering the available capacity for 127 prisoners.

Convicts numbering 130 – 128 male and 2 female, include 46 male and 2 female lifers. The prison is not holding any detenué or civil prisoners. Except 2, all convicts are undergoing rigorous imprisonment.

The prison is housed in an old fort built for military purposes. Its isolated location and topography offers little scope

for modification of the building structure. The structure presents a very depressing picture with high walls, dingy rooms and dark cells totally out of tune with modern thinking of crime and punishment. Cell No.14, located in the interior with hardly any opening for light and ventilation, presents a very dismal picture. The building is being maintained with great difficulty by effecting small repairs/renovations from time to time. A number of proposals have been sent to PWD for renovation and additional construction. However, it would be economical and also desirable to shift this jail to a new location. I was informed that the Govt. is proposing to construct a new modern central jail at Curea with the sanctioned capacity of 600 prisoners. An area measuring 98175 sq.m. has already been acquired for this purpose. Efforts are on to acquire an additional land measuring 50,485 sq.m. as recommended by the Chief Architect, Govt. of Goa to design a proper jail with all modern facilities. Considering the slow pace of the project, the Department has no option but to continue spending reasonable amount on essential repairs. As many as 16 proposals for renovation/repair are pending with the PWD.

#### **Sanitation/Hygiene**

A total of 24 toilets are available – 18 inside the cells and 6 outside. One of the external toilets has become dysfunctional. Actually available toilets give a toilet to prisoner ratio of 1:7, which is satisfactory. Position in the female section (1:8) is equally good. The availability of 14 bathrooms gives a bath room to toilet ratio of 1:13 in the male and 1:15 in the female section, which can be rated as just satisfactory.

Supply of water for drinking, bathing and washing purposes is satisfactory and no complaints were received on this count.

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Water supply is mainly from the PWD on alternative day but is supplemented by one spring available in the campus. There are two overhead tanks with capacity of 5000 litres each ensuring around the clock supply of water.

### **Food**

Food is supplied as per a fixed scale and daily expenditure comes to Rs. 25/- per prisoner. Prisoners are supplied breakfast, lunch, evening tea and dinner. Fish is supplied at lunch every day except Monday which is a VEG day. Chicken/meat is supplied twice a month. Special sweet dish is supplied on festive occasions which include Ganesh Chaturthi, Diwali, Bakra-Id, Christmas, 15 August, 26 January and 19 December (Goa Liberation Day). Prisoners were found thoroughly happy with the quantity of food and quality of cooking.

Food is cooked hygienically using LPG as cooking fuel.

The scale of food needs to be worked out as per calorie requirements for labouring and non-labouring prisoners. Special scales are to be laid keeping in view required for pregnant/nursing women, children and prisoners admitted in hospital.

### **Clothing and bedding**

All items of clothing and bedding are supplied as per scale, which is reasonable and meets the basic needs of the prisoners. However, toothpaste/tooth powder does not form part of the scale and prisoners are not supplied any footwear. The Govt. may consider including rubber chappals in the prescribed scale.

### Education, Recreation and Welfare

The prison has a reasonably good library having books in English, Hindi, Marathi, Konkani and foreign languages such as French, German, Spanish and, Norwegian. 6 magazines and 27 newspapers are also being subscribed for the use of prisoners. A number of prisoners I interacted with confirmed regular supply of newspapers/magazines to them. The perusal of the issue register shows that the library is being actually used by prisoners. A total of 90 books were issued to the prisoners during the month September 2004 to January, 2005. Prisoner Tommy Fernandes requested for supply of more Hindi books. Following directions of the Supreme Court, the Govt. has fixed wages on the recommendations of a duly constituted wage fixation body. The daily wage rate is Rs. 21 for skilled, Rs. 15 for semi skilled and Rs. 12 for unskilled category. Prisoner Venkatesh Patil is enthusiastically looking after the library and receives wages at the rate of Rs. 12 unskilled category. This prisoner, working as a Librarian for over one year, deserves to be treated in semi-skilled if not skilled category.

Prisoners have been provided indoor game facilities only. Considering the difficult living conditions in this jail, efforts should be made to develop facilities for playing volleyball. Television has been provided in all the cells except cell No.1 whose inmates, all foreigners, have preferred to keep a radio.

Little thought seems to have been given to prisoners' education. No initiative has been undertaken to start literacy classes by identifying the illiterate prisoners and run literacy

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classes with the help of volunteers from among the educated prisoners. Quite a few prisoners are keen to improve their educational qualification if distance education facilities are made available.

One UTP Sham Sunder Anchan 12<sup>th</sup> pass expressed his desire to pursue further studies. IGNOU could be approached to open a center in this jail as has been tried successfully by Jail authorities in many other states.

**Staff**

The sanctioned and available staff of the Central Jail, Aguada is shown below:

Sl.No.	Designation	Sanctioned	Posted
1.	Superintendent, (Civil Grade, Goa Civil Service)	1	1
2.	Assistant Supdt.	1	1
3.	Jailer	3	3
4.	Assistant Jailer	6	4
5.	Head Guard	7	6
6.	Jail Guard	50	48
7.	Matron	1	1
8.	Lady Warden	3	2

The sanctioned staff of one matron and three lady wardens is the barest minimum for running the women jail section and vacancy of one lady warden should be filled immediately. The availability of supervisory staff is not adequate. The topography and isolation of this jail has forced the staff to work in 24 hours shift with a rest period of equal duration. The staff is changed at

1200 hours every day and performs 24 hours duty which is physically difficult.

### **Hospital**

The Central Jail, Aguada is without a regular hospital. It has a dispensary functioning from a small room and manned by a qualified male nurse Sunil Shinde, who has requisite expertise and experience to provide First-Aid and deal with ordinary fever cases. Actual health care is being provided from the primary health center Candolim. A team of three doctors, one male and 2 female holds OPD at Jail from 9.30 to 11 AM on every Monday, Wednesday and Friday. It is worth mentioning that till 15 days back, only one OPD used to be held every week. The frequency was increased from 1 to 3 only in the 3<sup>rd</sup> week of January, 2005 presumably after learning about the visit of the NHRC. The OPD average is 25. Patients requiring hospitalization are referred to Goa Medical College. Psychiatric cases are sent to the Institute of Psychiatry and Humane Behavior. Although the Supdt., Jail stated that the supply of medicines is satisfactory, the visit to the Dispensary revealed not a happy picture. Common medicines like paracetamol, Brufen, Diclofence, Trimethoprim, Daonil Metachlorpramide and injection Tetanus, Toxoid and anti-fungal creams are seldom supplied in adequate quantities and shortages are always felt. Another set of common medicines such as cough Syrup Antacid, Anti-Inflammatory/Analgesic ointment, Ampicillin, Amoxycillin, Vitamin B.Complex, Tab. Calcium, Tab. Fersolate, Eye drops, Nasal drops, Ear drops are not being supplied at all. The jail has to resort to local purchase to procure these much needed medicines which is not a satisfactory arrangement.

No specialists are visiting the jails. Although on an average 15 women are always kept in this jail, there has never been a visit of a Gynaecologist specifically for their medical check up. A monthly visit of a Gynecologist to the female section is considered essential. The hospital records show that an eye camp and a medical camp were held on 24.6.2000 and 21.8.2000, respectively. In June 2000, the Indian Red Cross Society had visited to carry out HIV tests. There has been a lull in these activities after that. Only in October/November, 2004, an STD control programme for VDRL test was organised.

One prisoner M.C' Bride is admitted in GMC since 27.11.04. Another prisoner Ulhas Naik has been admitted in the mental hospital on 24.1.05. The prison is holding as many as 9 mentally ill prisoners. Except one female UTP Olga Rodrigues, all are convicts. The Special Rapporteur saw all of them and satisfied himself about the submission of periodical reports on their treatment to the court concerned. 5 prisoners are reported to be seriously ill requiring frequent referral. The condition of Freedy Peats aged 82 years was found to be pathetic. He stays lying on a stretcher all the time and is suffering from a number of diseases. He is a lifer and has completed 8 years 11 months and 20 days of actual incarceration. He is a severe liability on the administration causing a lot of inconvenience to the staff and other prisoners. He is a fit case for consideration of pre-mature release under article 161 of the Constitution. Another seriously ill patient Convict 791/93 Shyam Bhandekar is a lifer who has completed 14 years 4 months and 25 days. He was admitted on 19.4.90. The Supdt. informed that his case is being considered by the Review Board.



The other seriously ill prisoners are C/492 Laxman Nair, C/652 Shaikh Abdul Kadar and C/890 Sitaram Pandit.

4 convicts and one UTP have tested HIV positive and are receiving regular treatment. One of them Laxman Nair is suffering from TB also. The Medical Officer Dr. Vikas Nayak, who came from the PHC during inspection, was not sure whether this patient has been put on DOTS under the Revised National TB Control Programme launched by the Govt. of India in all districts of the country. He has not been segregated from others. It was shocking to learn that prisoners suffering from T.B. and HIV are not getting any special diet, which is an essential requirement in such cases.

#### **Death in Jail**

As per the records of the custodial death cell of the Commission, 5 deaths have taken place in the Central Jail, Aguada during the period 1.1.2000 to the day of the visit of the Special Rapporteur. This tallied with the statement put up by the Supdt. Jail. Intimation was sent to the NHRC in all the cases on time. In 3 cases, the cause of death was TB. 4 cases have been closed after examination by the Commission. Detailed report is awaited in the case of death of Caetana Figueredo who died on 18.5.2004 as a result of multiple falls. The post mortem report and the magisterial inquiry report are awaited from the DM, North Goa.

#### **Work Programme**

Facilities for vocational training and gainful employment of convicts are available in only 3 trades namely carpentry, tailoring and paper bag making. As per the statement received from the Jail Supdt, only 16 prisoners are working in these units, 6 in carpentry,

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6 in tailoring and 4 in paper bag making. Following the Supreme Court's directions, the Govt. of Goa had on 29.12.99 revised the rate of daily wage payable to the convicts working in various trades as follows:

Skilled	Rs. 21/-
Semi-skilled	Rs. 15/-
Unskilled	Rs. 12/-

Wages were actually fixed as Rs. 70, Rs.50 and Rs. 40. 50% deductions were made towards maintenance of the convicts and 20% for contribution to the victim's fund. The balance 30% was meant for disbursement to the prisoners at the rates mentioned above.

The Special Rapporteur interacted with the instructors and convicts present in the carpentry and tailoring sections. All of them are lifers. In the carpentry section, 3 are graded as skilled and 3 unskilled. C/Netaji Angolkar, Chandrahas and Divakar were carpenters by trade. However, only 2 of them, namely, Netaji Angolkar and one VV Mohan are getting daily wage of Rs. 21 as skilled workers. The remaining 4 including Chandrahas Divakar get Rs. 12 per day. This needs to be looked into by the IG Prisons.

The tailoring section has 42 pedal sewing machines but only 15 are in working condition. Here payment is made on piece rate basis. As per the statement of the Instructor all the 6 have acquired reasonably good proficiency. However two of them Sanjay Yadav and Tony Fernandes are being paid Rs. 12/- per day. It is not understood why payment is being made only in two categories. Skilled and unskilled doing away totally with the 3<sup>rd</sup> classification of semi-skilled.

4 prisoners are working in Bakery section. Only one prisoner Kanta Talkatkar is graded as skilled and the remaining 3 as unskilled.

6 prisoners work in the garden and 13 in the miscellaneous section (10 as sweepers/scavengers, 2 barbers and one newspaper supplier. Only one of them (Govind Pawar) is paid as a skilled worker and all the remaining as unskilled workers. Convict Gorakh Karkhi, undergoing 10 years imprisonment, is working as a barber for over a year to the full satisfaction of the co-prisoners but is being paid Rs. 12 per day as an unskilled worker. The second Barber is Santosh Dawre who has been working for the last 2 years and still receiving Rs. 12 per day.

It is worth noting that while deductions are being made from the prisoners' wages for contribution to the victim's fund, the fund is yet to be notified and operationalised.

Wages have been paid upto July 2004. Most of the workers have little idea about their accumulated earnings although entries in the Wage Register bear their signatures. No sincere effort has been made to explain to them their wages and earnings. There is need for more openness in transparency in this important matter.

The work programme, which is a therapeutic measure and also serves rehabilitatory purpose, seems to have been neglected for the past few years. Out of a total of 146 prisoners undergoing R.I., only 41 i.e. 32.5% are being provided work. Of these, only 16 are engaged in a kind of work that could help them in their rehabilitation after release. The available potential in carpentry and tailoring section is underutilized. Besides neglecting the rehabilitation of prisoners, this also has the effect of obliterating the distinction between R.I and the S.I.

A number of prisoners told me that they are interested in doing work. Tailoring section which is now meeting the requirements of jail department only can be expanded to provide services to other Govt. departments. 11 sewing machines are lying idle at Sub-jail, Sada Vasco. I.G. Prisons has already requested the Special Secretary, Home in this connection.

C/613 Mukesh Pande undergoing 7 years imprisonment is working in paper bag making section. He submitted that they were earlier getting Rs. 15 for 1000 paper bags. It was revised to Rs. 12 in 2001. It takes a normal worker 12 hours to make 1000 paper bags which comes to 2 working days. It is unfair to pay them at the rate which is far less than the prescribed unskilled category.

### **Convicts**

I met a number of convicts in the cells and at the work site. They were specifically asked about the supply of food, drinking water and recreation facilities and treatment by the staff. They were found, by and large, satisfied with the living condition. Following complaints were received from the convicts:

### **Parole**

Parole is governed by the Prison (Goa, Daman and Diu Furlough and Parole) Rules 1968. Powers to grant parole and furlough have been delegated to the IG Prisons. A lifer is entitled to one-month furlough every year after he has completed 7 years imprisonment. Habitual offenders and convicts involved in heinous offences are debarred. Parole is granted only in case of serious illness or death of a family member or for "any sufficient cause". Most of the convicts, I spoke to, confirmed that they have

availed of parole. Following complained about rejection of their cases:

1. Convict 427 Tommy Thomas had filed a writ in the Supreme Court for non-payment of wages. The Supreme Court referred the matter to the High Court. He also submitted a petition to the NHRC which was sent to the Chief Secretary for action. Instead of getting any relief, he says he was withdrawn from the work in May 2002. He was earlier also being utilized by the IG Prisons for typing work for petitioners. He was granted parole in January, 2004 but the surety amount was fixed by the IG Prisons as Rs. 20,000 each instead of the normal rate Rs. 10,000. He feels that he is being penalized for having approached the Supreme Court and the NHRC for enforcement of his rights. His case needs sympathetic attention. At least he needs to be convinced that he is not being penalised.
2. Convict Walty Gama is a lifer who has completed 13 years. He wants payment out of the balance 1/3<sup>rd</sup> of the wages, which as per rules can be paid only at the time of release. This was explained to him. He then submitted that he was not paid for his work as a sweeper in jail for the period 1 October to 31 October 2001. The Supdt. confirmed receipt of his complaint but added that the work register does not support his claim. He alleges foul play. This convict is not receiving any visitor who seems in dire need of money for meeting his daily canteen needs. He was asked to submit a petition to the Supdt./IG Prisons mentioning the names of 2/3 prisoners

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who were his co-workers during the period 1.10.2000 to 31.10.2000. The Supdt. was asked to examine this matter a fresh and try to help him.

3. Convict 515 Sham Sundar complained that he had applied for parole 7 months back but heard nothing.
4. Convict Hari Ram Wagnare, a carpenter by profession is undergoing 10 years imprisonment. He has completed 6 years. He had been working in the carpentry section for about 3 years until it was closed in 2003 when his co-worker Xavier D' Souza made an escape from the carpentry shop. The carpentry shop was closed and 4 staff personnel including the instructor were suspended. Although the carpentry work was resumed about a month back, this convict was not allowed to join. The matter needs to be looked into by the IG Prisons to see whether he was in any way responsible for the success of the attempt at escape.
5. Convict Satyawar Goankar has been undergoing life sentence since 1997. His request for parole has met with 9 rejections. In the latest application dated 28.12.04, he had mentioned the illness of her mother as a ground for parole. The order of rejection dated 11.1.05 is a speaking order in the sense that it says that his old mother has another son available to look after her. I do not think parole can be rejected solely on this ground if the conduct of a prisoner has been good and there is no apprehension of breach of peace if he returns to his place. IG Prisons may request the Supdt. of Police concerned to verify the report and send fresh recommendations.

- 6. Convict 65 Shaikh Abdul Kadar 68 years is one of the seriously ill prisoners who has completed only 3 years of his life sentence. He needs help even in attending to his personal hygienic needs. He applied for parole but his application has been rejected.
- 7. Convict Mehboob Nadaf has been granted parole but finds the amount of surety Rs. 40,000 too high for his financial competence to arrange.

I have no hesitation in remarking that the provisions of parole are being administered rather harshly going totally by the police report which would normally oppose release of the convict. A statement received from the I.G. Prisons shows that 139 cases of parole were dealt with during the period 1.1.2003 to 8.10.2004. Parole was granted in 66 cases and rejected in 73 cases. It is also mentioned in the statement that in four cases of rejection, the prisoner concerned approached the High Court of Bombay. The High Court granted parole *setting aside* the orders of the IG Prisons.

Convict 976 Deepak K. Sharma is a Nepali undergoing imprisonment under NDPS case. His mother and father come from Nepal once a year to meet him. He requested for extension of the duration of interview which is just 20 minutes. The perusal of the rules shows that the jailer can extend the time. This case was not handled by due sensitivity. The matter was brought to the notice of the IG Prisons also who felt that the available discretion in a matter like this should be exercised in favour of the petitioner.

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### **Pre-mature release**

Pre-mature release is governed by the Goa Prisons (Review of Sentences) Rules 1997 which were framed in order to give effect to the Supreme Court's directions regarding Sec. 433A Cr.PC. The rules provide for an Advisory Board in every district having official members - District and Session Judge, District Magistrate, Supdt. of Police and Jail Supdt and three non-official members. The Board is required to meet every six months. For considering the pre-mature release of lifers, cases of all the prisoners who have completed 14 years putting years actual and 20 years continued with remissions are forwarded to the Board. The rules have a separate provision for release of terminally ill prisoners in order to give them the comfort of dying in their home. However, pre-mature release requires surety bond from family/relatives.

Convict 649/90 Bandu S. Kumbhar admitted to this jail on 3.11.90 was released pre-maturely on 21.11.2003. After that there has been no case of pre-mature release of lifers.

8 lifers are still languishing in jail after having completed 14 years actual imprisonment. I met four of them and heard their complaints.

Convict 791 Shyam Bandekar was admitted on 19.4.90 as a lifer. He has completed 14 years 4 months and 25 days. He filed a writ in the High Court for a Special Review Board. It was learnt that the Review Board has, on a reference from the High Court, considered his case and forwarded its recommendations to the Home Department. The case is pending in the department for issuing the final order.



C.330 Costantino Fernandes has completed 15 years and 4 months. The Supdt. informed that his case has been considered by the Review Board on 3.1.2005. Orders are awaited.

C. 416 Domingo D'Costa has completed 18 years life imprisonment. The Supdt. informed that his case has been considered by the Review Board and rejected thrice because his family could not be traced. His family has now been contacted. His case is to be put up to the next Board.

C.308 Fati Goankar has completed 16 years. He is a psychiatric prisoner taking OPD treatment. His case is to be put up to the next Board.

**UNDERTRIAL PRISONERS**

The Supdt., Central Jail furnished the following information regarding the period of stay of UTPs:

Duration	Number		
	Male	Female	Total
Up to 3 months	21	4	25
3 to 6 months	3	2	5
6 to 12 months	6	3	9
1 years to 2 years	10	4	14
2 to 3 years	-	-	-
3 to 5 years	3	-	3
above 5 years	-	-	-
Total	43	13	56

I met all the 13 male UTPs whose duration of stay exceeds one year. As regards female UTPs I spoke individually to all of them, following observations were made:

1. UTP 929 Shrikar Kurade has been in judicial custody since 24.11.99 facing trial u/s 302 IPC in the court of Additional Session Judge, Margao (SC No. 1/04). The trial

has crossed the arguments stage. Judgment is expected on the next hearing fixed for 14.2.05.

2. UTP 980 Bhomshankar Singh is in judicial custody since 11.8.01 facing trial in a case u/s 302 IPC in the court of Additional Session Judge, Margao (SC No. 45/01). He submitted that evidence of all the prosecution witnesses except one of the 2 IOs has been completed. The case is delayed because of non-appearance of the IO who failed to appear on the last 2 hearings. The next hearing of the case has been fixed for 4.2.2005.

3. UTP 926 Amar Ahmed Khan is in judicial custody since 6.1.2002. He was received from transfer from judicial lock-up, Mapusa. He is being prosecuted u/s 376, 380 r.w. section 341 IPC in the FTC of Addl. Session Judge, Mapusa. The evidence of all the prosecution witnesses including the IO has been recorded. The case is pending for the past several months because of non-appearance of the complainant, a Norwegian lady.

It is difficult to believe the statement of the Supdt. that the jail is holding no UTP who has been granted bail but could not avail of the same because of his inability to furnish sureties. Regular production of UTPs in court is being ensured. No UTP complained on this count.

Individual history tickets giving full particulars of the individual UTP – name, date of admission, particulars of case and progress of hearing of the case – are not being maintained.

Information had to be collected only from the main register. A number of discrepancies were noticed in respect of date of admission which is the vital data related to the length of stay of a UTP. A number of UTP have been received on transfer from other jails. The UTP register shows the date of their admission to this jail throwing no light on the actual date of commencement of judicial custody which has to be ascertained from the individual. Maintenance of records is certainly poor.

### **Women Jail**

There is a separate enclosure for women just outside the main jail. It has a separate entrance. Its authorized capacity is 25 prisoners on the day of the visit. It was holding 15 prisoners – 2 convicts and 13 undertrials.

The sanctioned staff for women jail comprises one Matron and 3 lady warders. The post of matron has been filled recently on promotion of one the lady warders. This has created a vacancy of lady warder which needs to be filled at the earliest.

The standard of hygiene and sanitation is satisfactory. The enclosure has 2 toilets and 2 bathrooms which are cleaned by one of the inmates Laxmi Singh who receives wages at the rate of Rs.21 per day.

The inmates were found satisfied with the supply of water, food, clothing, bedding.

No separate health facilities have been provided for women prisoners. At least a fortnightly or even monthly visit of a Gynaecologist from the PHC to Women Hospital should be arranged. No case of T.B. or any other contagious disease has been detected. One convict and one UTP are receiving treatment for

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psychiatric disorder. I spoke to all inmates and heard following complaints:

1. UTP 1005 Anjela Dinix has completed one year and one month in the jail. She is facing trial u/s 320, 201 r.w. section 34 IPC in the court of Additional Session Judge, Margao. Although the case has been committed to sessions, the hearing has not yet started. She stated that the Govt. advocate appointed to defend her is not showing interest in her case.
2. UTP 981 Vastala Gadekar 55 years has also completed one year. She is happy with the progress of her case u/s 302 IPC in the court of ADSC, Margao. She complained of some trouble in her eyes. The Supdt. was requested to arrange her examination by an eye specialist.

Although women jail is holding 2 life convicts, there are no arrangements of vocational training and work programme. This essential requirement does not seem to have received any attention from the authorities.

Most of the inmates are educated. One daily newspaper is supplied. One magazine should also be added.

#### **Jail Adalat**

Jail Adalats are not being held in this jail or in any other jail in Goa.

#### **Board of visitors**

Rule 3 of the Goa, Daman and Diu (Visitors of Prisons) Rules 1968 provides for a Board of Visitors comprising officials

viz. DJ, Collector, S.P. and Jail Superintendent and 3 non-official members. Their functions have been enumerated under Rule 16 of the said Rules. Last Board of Visitors for Central Jail, Aguada and Sub-Jail, Sada was constituted by the Govt. on 1.12.2000. The tenure of the non-official members was over on 1.12.2003. The proposal for constitution of a fresh Board was sent to the Govt. by the IG Prisons in January, 2004. The matter is pending despite a number of reminders sent by the IG Prisons. The system of Board of Visitors has, in fact, become defunct. As per the record, the previous Board had met only once in 3 years on 21.9.2000.

**Visits**

District & Session Judge has been visiting the jail regularly. Visitor register shows very few visitors by non-judicial authorities.

**Interviews**

Because of absence of a regular interview gallery, interviews are conducted in the orderly room where the prisoner has the comfort of sitting with his relative/friend on the same bench and talk to him in an atmosphere of intimacy and openness. Interviews are held on every Tuesday and Friday and the daily average is 10 to 12. Considering the normal population of this jail, the arrangement is considered satisfactory. No complaints were received from any prisoner on this count.

**NGOs involvement**

2 NGOs are regularly working this jails. They cover all the jails of Goa. I met Mary Jane of Prison Ministry, Goa at Judicial Lock-up, Panjim. They are carrying out a variety of activities

both inside and outside the Prison. She said that they are aiming at value education through literacy classes and vocational training. They are also having regular meetings with released prisoners (30-35) and taking care of prisoners' children. The other NGO working in jails is called 'RISHTA'. They are doing sensitization work on HIV/AIDS for jail inmates and staff.

### **Staff Quarters**

The Central Jail, Aguada needs 12 quarters (Type 'D and 'C) for officers and 60 quarters for the guarding staff (Type AB). With no availability of staff quarters at all, the level of satisfaction is nil.

### **SUB JAIL SADA VASKO**

I visited Sub Jail Sada, Vasco on February 1, 2005. Mrs. Veena Naik Goltekar, Deputy Collector, the ex-officio Supdt. assisted by Shri Vinayak Umary, Asstt. Supdt. briefed me about the infrastructure of the jail and its functioning.

### **Prison Profile**

Sub Jail Sada Vasco was set up in 1997 with a sanctioned capacity of 95 prisoners – 75 male and 20 female. The actual strength on the day of the visit i.e. 1st February was 128 - all male. The daily average strength of the previous month (January) was 124. The Asstt. Supdt. Umary who is the senior most executive officer from the jail cadre stated that the normal strength of this jail can be taken as 125. It indicates an overcrowding of 66%. Sub Jail can keep convicts sentenced to imprisonment up to 2 years. UTPs numbering 111 constitute 86.7% of the total jail population.

The jail building constructed in 1996 requires minor repair/painting the proposals for which have been submitted to the Government.

### **Sanitation & Hygiene**

The jail comprises 13 Cells. All the 13 cells have attached toilets. Cell No. 13 has two toilets. 16 toilets have been provided outside the Cells also. Toilet to prisoner ratio comes to an ideal figure of 1:4. Availability of 15 Bath-rooms also presents a satisfactory position. The standard of cleanliness and personal hygiene is found to be good. The tap water facility provided by the PWD is supplemented by a borewell installed in the campus. With the creation of 100 thousand Ltr. capacity sumps and an overhead tank of 25000 Ltr. capacity round the clock water supply for drinking, bathing and washing purposes has been ensured. This was confirmed by the inmates.

### **Food**

Food is being supplied as per the prescribed scale and daily expenditure comes to Rs. 25 per prisoner per day. The inmates were found satisfied with the quantity and quality of food. 3 convicts and 7 UTPs are working in kitchen and receiving wages. Wages have been paid up to December 2004.

### **Clothing & Bedding**

All items have been issued as per the scale and no complaints were received on this account.

### **Medical Facilities**

The Jail does not have a Medical Officer of its own. Even a Paramedical Personnel has not been provided so far. A post of Paramedical Personnel was sanctioned about six months back. It is to be filled by providing a Multi Purpose Health Worker (MPHW) from the surplus staff of DG, Health Services. The medical cover is being provided by a visiting Doctor from the Cottage Hospital Chicalim who is supposed to conduct weekly OPD at this jail. The perusal of the relevant register showed that the Medical Officer has paid 5 visits in November, 4 in December and 5 in January. Prisoners requiring indoor treatment are referred to outside the Hospital. The arrangements seem to be working satisfactorily. The visiting Doctor supplies medicines as prescribed and no complaints were received on this account. Ambulance facility is available.

One prisoner Manju Naik admitted to this jail as UTP on 4.12.03 is receiving treatment for TB. Two prisoners – Vasudev Raut and Bishnu Chowdhury admitted on 4.3.04 and 27.11.04 respectively have tested HIV positive. They are being taken regularly to GMC Bambolim for treatment but are receiving no special diet. Five prisoners of this jail are suffering from mental disorder and are taking OPD based treatment at IPHB Bambolim. One of them Dilkush Pagi had to be admitted to the Mental Hospital for a period of 15 days. The Special Rapporteur saw these prisoners and inspected their files to satisfy himself about regular submission of reports on their health to the Trial Courts.



**Death in Jail**

There have been 3 cases of death of prisoners in this jail since 1.1.2002. The NHRC has received intimation about the death of Madhukar parsekar on 5.1.02 and Memino Peinto on 7.12.04. Intimation regarding death of Sunil Jayamma on 16,10.02 has not been received by the Commission. The file showed that the jail had sent intimation to DM Goa on 17.10.02 itself. The Post-mortem examination was conducted in all the 3 cases. While the case of death of Madhukar Parsekar has been closed by the Commission on examination of detailed reports, detailed report on the death of Memino Peinto is still awaited. IG Prisons who is also DM North was requested to send full report on the death of Sunil Jayamma explaining why the timely intimation was not sent to the Commission.

**Convicts**

The Special Rapporteur met all the 17 convicts and found them happy with living conditions. Lifer Raj Kumar Mukherji has requested for transfer to West Bengal. The Asstt. Supdt. informed that the request has already been forwarded to I.G. Prisons West Bengal.

**Parole**

Only one application for grant of parole was received from the convict Francis Saldana in 2002 and the same was granted by the IG Prisons. In the year 2003, one application was received from Netaji Angolkar and the same was rejected. In the year 2004, prisoner Hillial Ahmed applied for parole which was rejected by the IG Prisons because he had earlier jumped parole. He approached

the High Court which granted him parole on 22.1.04. Prisoner Vasudev Raut was granted parole in 2004.

### **Premature Release**

Two lifers namely Francis Saldana and Igidore Saldana were prematurely released on 22.4.03. They have been in prison since 27.11.87 including the UTP period. No order of premature release was issued in 2004.

Convict 406 Zavier D'Souza complained about denial of premature release to him. His case was examined. He has completed actual imprisonment of 17 years and 8 months as of 1st January 2005. He has also earned a remission of over 6 years. The Asstt. Supdt. informed that his case was placed before the Advisory Board on six occasions but not recommended because he had escaped from custody.

Convict 268 Hitler Fernandes has completed 17 years and 4 months imprisonment on 31.1.05. He has also earned a remission of 3 years 7 months and 20 days. His case was placed before the Advisory Board but rejected because he had escaped from legal custody on 3 occasions. As directed by the Advisory Board, his file is to be placed again before the Board in April 2006.

### **Under-trial Prisoners**

The Assistant Supdt. Police furnished the following statement on UTPs:

Up to 3 months	-38
3-6 months	-27
6-12 months	-27
1 to 2 years	-10
2-3 years	- 7
3-5 years	- 3
<b>Total</b>	<b>-112</b>

The Special Rapporteur met all the 20 UTPs whose length of stay in jail is more than one year. The following complaints were received:

1. UTP 196 Satyawan Pawar and UTP 520 Kishore Prabhu are facing trial for murder in the Additional Sessions Judge Court Margao. Satyawan was admitted on 11.12.2000 and Kishore Prabhu on 25.3.04. Satyawan submitted that only 18 out of a total of 32 witnesses have been examined so far. No witness turned up during the last 5-6 hearings.
2. UTP 390 Sandeep Sawant, UTP 400 Prashant Naik and UTP 414 Bishnu Chowdhury were admitted in November 2001. They are facing trial in a case of murder in the Addl. Sessions Judge Court Margao and only 15 witnesses out of a total of 37 have been examined so far.
3. UTP 198 Johnny Fernandes has been in jail since July 2000 facing trial in a murder case in the Court of Additional Sessions Judge, Margao. He stated that no witness turned up for evidence during the last 5-6 months.
4. UTP 182 Vicky Rodrigues was admitted in this jail on 30.8.02. He is facing trial in a murder case in the Court of Addl. Sessions Judge Margao. He stated that no witness was examined during the last one year although he is being produced before the Court regularly. He alleged that he saw the witnesses roaming about in the court premises but not being produced by the prosecution.

5. UTP 195/02 Srikant Goenkar has been in jail since 8.4.01 facing a murder trial in the court of Additional Sessions Judge Margao. He stated that no witness turned up during the last three hearings.

#### **Board of Visitors**

The last meeting of the Board of Visitors was held on 29.1.201. The term of the non-official visitors has expired and the Board needs to be reconstituted.

#### **Jail Adalat**

No Jail Adalats have been conducted in the jail premises.

#### **Involvement of NGO and Social Activists in Prison Activities**

Sister Mary Jone of the Prison Ministry, Goa visits the jail regularly and runs literacy classes besides conducting counseling sessions. Not much is being done for prisoners' rehabilitation after release.

#### **Visits by Judicial Authorities**

As per jail records, the Sessions Judge Margao has visited the jail on 16.6.04 and 23.9.04. in the last three years.

#### **Interview**

For want of a separate Interview Gallery, interviews are being arranged in the orderly office. On an average, 15-20 prisoners are meeting their families/relatives everyday. No complaints were received on this account.

### **Staff Quarters**

Housing facilities for the staff are utterly inadequate. Only 12 quarters are available and have been allotted to the subordinate staff. A proposal for construction of six quarters for officers and 49 for Head Guards/Guards has been forwarded to the Government and the land for construction of these quarters has been acquired.

### **JUDICIAL LOCK UP PANAJI (GOA)**

I visited Judicial Lock Up Panaji. Deputy Collector and SDM Panaji on Feb 1, 2005 is the ex-officio Supdt. and Shri Anil Arlekar, Jailer is the Incharge of the Jail. Shri Anil Arlekar, Jailer explained the functioning of the Lock-up.

### **Lock-up Profile**

The Judicial Lock Up is functioning from a separate enclosure situated inside the PHQ complex. It has a sanctioned capacity of 24 UTPs ( no convicts are kept at Judicial Lock Ups). The actual strength of prisoners on the day of the visit was 29. There was one foreigner, 12 prisoners from Goa and 16 from other States. Female UTPs are not kept here. They can only be provided transit facilities during day only, when they are brought from the Central Jail Aguada for court production. The Jailer informed that normal strength of the Judicial Lock Up can be taken as 30 which amounts to an overcrowding of 25%.

The Judicial Lock Up is functioning from an old building belonging to pre-liberation days. However, it is being nicely

maintained through repairs/renovation. It serves the court of Panāla and Panaji.

### **Sanitation**

The Judicial Lock Up has 5 Cells, 4 for its own UTPs and one for transit prisoners. All the Cells have attached toilets and Bath-rooms. Availability of 5 toilets for the normal strength of 30 prisoners gives a prisoner ratio of 1:6 which is very satisfactory. The inmates were found satisfied with the toilet and Bathrooms facilities. Round the clock, supply of water is ensured through PWD with created storage capacity of 10 thousand litres.

### **Food**

Food is supplied as per the prescribed scale, by a private contractor selected on Open Tender basis. The Jailer mentioned that this is the only Judicial Lock-Up where inmates are getting boiled water in view of a perceived threat of jaundice.

Prisoners do not get evening tea. They are also deprived of the supply of chicken/mutton once a month available to their inmates of the Central Jail. They are not receiving any special diet on festival days.

### **Staff**

Judicial Lock up Panaji has a sanctioned staff of one Jailer, one Asstt. Jailer, one Head Guard, 10 Guards, one LDC, one Peon and one Sweeper (on contract). At present there are only two vacancies of Guards.

**Health Care**

No medical facilities are available at the Lock-up. A Medical Officer from the nearest urban Health Centre is required to visit the Lock-up once a week. The perusal of the relevant record shows that he had made only two visits in September, 3 in October, 3 in November, 3 in December and 3 in January. Obviously, the instructions about monthly visit of the M.O. are not being strictly adhered to.

Prisoners requiring immediate medical attention are taken to the urban Medical Centre with police help. No prisoner made any complaint on this account.

**Death in Jail**

One prisoner Anjani Kumar Sharma had died in this jail on 13.8.02 of Cerebral Malaria. This has obviously caused a scare among the prisoners and on their demand mosquito nets have been fitted to the Cells ventilators. However, the prisoners expressed their dissatisfaction with the arrangements.

**Recreation**

The Jailer has taken personal interest in developing a small Library which includes Books in English, Hindi and Tamil. Two local Newspapers one English and one Marathi and 3 Magazines; India Today Sportstar and Readers Digest are subscribed. All Cells have TV sets which are found to be functional. Indoor game facilities are adequate.

### Work Programme

One willing UTP is engaged on maintenance jobs and he has kept the campus neat and clean. He receives a daily wage of Rs. 15.

### Under-trial Prisoners

The Jailer furnished the following information on the UTPs:

Up to 3 months	- 20
3-6 months	- 2
6-12 months	- 3
1- 2 years	- 4
Above 2 years	Nil
Total	<u>- 29</u>

28 UTPs were actually present at the time of the visit and I spoke to them individually. The following observations were made:

1. UTP 186/03 Richard Rodrigues was admitted to this jail on 12.11.03 on transfer from Sub Jail Sada. He has completed 4 years, 7 months in judicial custody in a case u/s 302 IPC. He has filed a PIL in the High Court of Mumbai, Panaji Bench Goa regarding conditions in Goa prisons. The High Court has appointed a committee headed by a retired Judge which includes a retired Jail Supdt., 2 Advocates and a representative of the NGOs. The Committee has submitted its report and the matter is under consideration of the High Court. It is hoped that this courageous initiative of prisoners will bring about the much needed and long awaited improvement in jail conditions in Goa.



UTP Richard Rodrigues expressed dissatisfaction with the slow progress of his case in which only 13 witnesses out of a total of 38 have been examined in a period of over 4 years.

2. UTP 152/04 Girish Kumar aged 21 is a student belonging to Mangalore (Karnataka) who was admitted as an under-trial on remand on 19.12.04 in a case of attempted suicide. He had come to Panaji with his girlfriend who has been taken by her parents. He said he has to appear in examination on February 20. He said that he can not arrange surety of Rs. 5000 to take benefit of the bail offered by the Court. His mother is a heart patient and his father is a low paid worker who cannot come to Panaji to get him released. His co-prisoner informed that the court is willing to grant him bail if he can produce any local acquaintance. The young boy needs compassionate consideration.
3. 157/04 Luisi Lobo was admitted on 15.3.03 as an UT on remand in a case of murder. He said his case was committed to session in October 2003. The pace of trial was adversely affected after the Additional Sessions Judge Panaji trying his case was transferred in June 2004 and the case was transferred to the other Judge. His case is going slow because of availability of only one Additional Sessions Judge against the sanctioned strength of two at the Sessions Court Panaji.
4. UTP Jayant Goenkar has spent just two months. He has developed heart trouble and has been advised angiography. The Jailer informed that he can be

admitted to GMC for angiography only if his income certificate is furnished. The Addl. IG was requested to look into the matter and take up the matter with the authorities concerned.

### **JUDICIAL LOCK-UP, MAPUSA**

I visited Judicial Lock-up Mapusa on 1<sup>st</sup> February 2005. Shri Rajan Satardekar who took over as SDM Mapusa on promotion on 31.1.05 is the ex-officio Supdt. He was present during my visit. Shri B.J. Fernandes, Jailer is the Incharge of the Judicial Lock-up which is accommodated inside the Police Station building belonging to pre-liberation days.

#### **Lock-up Profile**

The Lock-up has a capacity of 45 prisoners. The actual strength on the day of the visit was 59 which includes 12 foreigners and 28 from outside Goa in India. The Lock-up comprises 3 newly constructed and 4 old but renovated cells.

#### **Sanitation**

All the Cells have been provided with Toilet-cum-Bathrooms. The toilet to prisoner ratio comes to 1:9 which is just satisfactory. Supply of water for drinking, bathing and washing purposes is satisfactory.

**Staff**

The sanctioned staff consists of one Jailer, one Asstt. Jailer, two Head Guards, 15 Guards, one LDC and one Sweeper (on contract). Two posts of Guards are lying vacant.

**Health Care**

Health cover is provided by a visiting Doctor from the Health Center, one km. away from the Lock-up. He is required to visit the Lock-up once every week. However, the perusal of the relevant register shows that he had visited only once in November, thrice in December, 2004 and twice in January 2005. This needs immediate attention of the IG Prisons.

There has been no case of death of prisoner in Lock-up since 1.1.2000.

**Food**

Food is supplied by a civilian contractor at the current rate of Rs. 33 per prisoner per day. While the prisoners expressed satisfaction with the supply of water, most of them were critical of the quality of food particularly the rice and fish served to them in the evening. They complained about the inferior quality of rice and said that the fish served in the evening carries a stink. Some complained that even potatoes are not properly peeled. This was duly noticed by the SDM who was requested to take it up as the first welfare measure after assuming the new charge on promotion.

Prisoners had another serious complaint to make. They are taken out from Cells twice a day from 8 AM to 9AM and 3PM to 4 PM for exercise purposes. However, on Sundays and Government holidays their total stay outside the Cells is reduced to half an hour

in the morning. This restriction applies even to the festive days like Diwali, Christmas, Independence Day & Republic Day. Surprisingly, this harsh practice is being observed at this Lock-up only. No one could explain the basis or authority of this deviation from the normal practices observed at other Jails. IG Prisons was asked to take immediate action to remove this discrimination.

### **Under-trial Prisoners**

I visited all the Cells and met all the UTPs numbering 59. The Jailer furnished the following information regarding their stay:

Up to 3 months	- 25
3-6 months	- 11
6-12 months	- 12
1-2 years	- 9
Above 2 years	- 2
<b>Total</b>	<b><u>59</u></b>

One UTP Santosh Rangappa from Andhra Pradesh was reported to be receiving treatment for TB. However, the Jailer could not confirm that he has been detected as a regular case of TB and put under DOTS, the standard treatment provided under the revised National T.B. Control Programme fully funded by the Government of India in every district of the country. The SDM was requested to get this prisoner examined properly.

I spoke individually to all the UTPs numbering 11 who have done more than one year in the Judicial Lock-up. Most of the UTPs are being defended by the Government lawyers. It is heartening to find that most of them were satisfied with the progress of their cases. Delay in one or two cases are attributed to

non-appearance of the police witnesses. UTP Madan Mohan Mohanko admitted on 29.2.03 on remand in a case under NDPS said that his case is delayed because of non-appearance of the I.O. He also complained that Government Advocate provided to him is not keeping him properly informed.

### **JUDICIAL LOCK UP, MARGAO**

I visited Judicial Lock-up Margao on 1 February 2005. I was briefed by Shri Aadinath Bhojay, Asstt. Jailer who is incharge of this Lock-up. Later on Shri Deepak Desai, Dy. Collector/SDM ex-officio Supdt. also joined. The Lock-up is situated in the Court complex and serves a total of 16 Courts of Goa South District. This used to be location of Central Jail before 1969.

#### **Lock-up Profile**

The Judicial Lock-up Margao earlier had a capacity of 35 prisoners. After construction of toilets and Bathrooms in the Cells, it has now come down to 29. On the day of the visit, it was holding 43 prisoners including one foreigner, 17 from Goa and 25 prisoners from outside Goa in India. The average population can be taken as 45 which indicates an overcrowding of the order of 50%.

Judicial Lock-up is situated in the court complex in a old building belonging to 19<sup>th</sup> century. However, it is being maintained nicely through repair/renovation. It has three Cells. 28 prisoners were seen kept in cell No 1, 9 in cell No.2 and 6 in cell No.3

**Sanitation**

The Judicial Lock-up has only 3 toilets and 3 Bathrooms provided inside the cells. The uneven distribution, explained, of course, by the different sizes of the Cells has rendered the sanitary arrangements unsatisfactory. In Cell No. 1, 28 prisoners are sharing one toilet. Whereas the arrangements in Cell No.2 having 9 prisoners and Cell No. 3 having 6 prisoners are considered satisfactory, the conditions in Cell No. 1 are awfully bad. This was explained to Shri Desai who assured that he will look into the matter and see that the available toilet and Bathroom facilities are equally shared regardless of the difference in the Cell capacity.

The supply of water received from the Irrigation Deptt. is satisfactory and the storage tank of 2000 litre ensures adequate supply of water for drinking, bathing and washing purposes. However, inmates in Cell No. 3 complained that release of water for washing purposes for only one hour is not sufficient to meet the requirements of all the inmates. If this arrangement is causing difficulty to six inmates, kept in Cell No. 3, one can imagine the condition in Cell No.1 which is holding 28 prisoners. I think neither the Supdt. nor the Incharge Jailer have ever looked into these elementary needs of the prisoners. As there is no shortage of water as asserted by the Asstt. Jailer, its distribution should be streamlined to meet the requirements of the inmates.

**Food**

Food is supplied by a civilian Contractor @ Rs. 26.40 per prisoner per day. No complaints were received about the quantity

and quality of food from the inmates who were specifically questioned on this point.

### **Staff**

Judicial Lock-up Margao is sanctioned one Jailer, one Asstt. Jailer, one Head Guard, 10 Guards, one LDC and one Peon. The Jailer held on the strength of this Lock-up, is working on attachment with the Central Jail, Aguada. The Lock-up has no sanction of Sweeper/Scavenger. A volunteer from among the inmates is given this work on rotation. No payment is made.

### **Health Care**

A Medical Officer from the Health Centre is supposed to visit this Lock-up once every week. However, the record shows that the Medical Officer visited the Lock-up twice in November, thrice in December and twice in January. The mandatory weekly visit has actually become a fortnightly visit. Some inmates complained that the visiting M.O. is a lady Doctor. They hesitate to speak to her about their health problems. They find the arrangements not to their satisfaction.

### **Death in Lock-up**

There has been one case of death in this Lock-up since 1.1.2002. UTP Shyam Azagaonkar, aged 58 died on 10.11.04. He was suffering from poor health and used to be referred to Hospital frequently. An intimation about his death was sent to NHRC in time. However, the detailed report is still awaited from the DM Goa South.

### Recreation

Prisoners requiring immediate medical attention are sent to the District Hospital, one km. away with police help. No difficulties are being experienced.

Prisoners are taken out for recreation once in the morning (8 to 9AM) and again in the evening (3 to 4 PM) on all days including Sundays and Holidays.

Four Newspapers are supplied everyday - 2 English, 1 Marathi and 1 Konkani. A Magazine should also be added. T.V. facilities are available.

### Under-trial Prisoners

The Supdt. furnished the following information on UTPs:

Up to 3 months	- 12
3-6 months	- 10
6-12 months	- 8
1-2 years	- 4
2-3 years	- 3
3-5 years	- 6
Above 5 years	- Nil -
<b>Total:</b>	<b>- 43</b>

I spoke to all these UTPs numbering 13 who have completed one year in prison. The following complaints were received:

1. Ambana Harijan was admitted on 9.11.01 as an under-trial on remand in a case u/s 302, 201 IPC which is going in the Sessions Court, Maragaon. The delay in his case is caused by non-appearance of his wife who is the main witness.



2. T.V. Manjunath was admitted on 15.1.01 as UT on remand in a case u/s 302 IPC. His case is progressing in Sessions Court Margao. He said that the recording of his evidence is over. He is happy with the progress of the case.
3. Ashok Bhagankar was admitted on 17.9.01 and is facing trial in a case in the Court of Additional Sessions Judge Margao u/s 302, 143, 147, 148 and 149 IPC. He has been provided legal aid. He is unhappy with the slow progress of the case in which only 6 out of 28 witnesses have been examined so far.
4. Abel Barrito is in judicial custody since 1.11.2000 facing trial in a murder case in the court of Additional Sessions Judge Margao. He stated that all evidence in his case is over and the judgement is likely to be pronounced on 14.2.05. Another long-stay UTP Amit Bandekar is a co-accused in this case.
5. Subhash Krishnan and Shalesh Gadekar in judicial custody since 18.10.03 also complained about the slow progress of their case in the court of Addl. Sessions Judge, Maragaon.
6. Raju Rajesh Kumar Patil admitted on 28.8.04 requested for legal aid. Supdt. was requested to arrange it through the Legal Aid Cell.

### **Conclusion**

Visit to jails in Goa has enabled me to make a broad assessment of the strengths and weaknesses of the Jail management and administration in Goa. Goa is relatively free of the problem of overcrowding which is being faced by most States in the country.

As of 31.12.03, the extent of overcrowding in Goa jail, as a whole, was 8.7% against the national average of 35.76%. However, because of uneven distribution of jail population which is inevitable, Sub jail Sada is experiencing overcrowding of 50%. Barring the Sub jail Sada Vasco constructed in 1996, the buildings in all other jails are very old with some portions in a state of advance decay rendering any repair/renovation uneconomical. The main jail of Goa – Central jail Aguada - is functioning from a 400 years old fort whose design totally denies proper living conditions to the inmates as per their legal rights. Its location is unsuitable for prisoners as well as the staff personnel. The proposed construction of a new Central jail at Curca has not moved beyond the stage of land acquisition. Although the building of Sub jail Sada Vasco meets its requirement, its maintenance is poor.

The State of Goa comprising 2 Districts - Goa North and South - has one Central jail, one Sub jail and three Judicial Lock-ups. The Judicial Lock-ups functioning from within Court/P.S. complex are an anachronistic concept. The Judicial Lock-up Margao is meant to serve as a District jail for Goa, South. The Judicial Lock-ups need to be phased out and replaced by a District jail at Margao and Sub jails at Panaji and Mapusa. Improvement of infrastructure is a crying need of the Jail Department.

The State has received its share of grant from the Government of India for infrastructural improvement under the scheme of modernization of Prison Administration based on 50% Central assistance and 50% State's share. The budgetary provision of Rs. 10 lakh has been made in 2004-05 towards various works. However, the actual expenditure till the date of the visit has been

Nil although proposals worth Rs. 2,60,400 are under consideration of the Home Department for sanction. Similarly, under the 11<sup>th</sup> Finance Commission Award, the Government of India have allotted funds to the tune of Rs. 1 crore for upgrading existing arrangements for security of prisons, vocational training and medical facilities. This grant is to be spent during the period 1.4.02 to 31.3.05. The Government has also permitted to utilize these funds for undertaking expansion of existing jails. The grants that remain unutilized as of 31.3.05 shall lapse. It is worth noting that out of Rs. 1 crore, only Rs. 49.35 lakh has been spent till 31.3.2004. In the current year, out of a budget allocation of Rs. 15 lakh, only Rs. 1.67 lakh has been actually spent. Under another scheme introduced by Government of India called the Perspective Annual Action Plan in the ratio of 25:75, an allocation of Rs. 13.62 crores is to be utilized during 2002-07. Actual utilization has been Nil although an amount of Rs. 37,29,227 has been placed at the disposal of PWD to carry out various works.

The most startling weakness of the Jail Deptt. of Goa is that it does not have an independent status of its own. The Department is functioning as part of the Collectorate with DM North as ex-officio IG Prisons. No improvement would be possible unless the Deptt. is restructured by providing a whole time IG Prisons of suitable rank drawn from IAS/IPS or State Civil Service. The executive staff from Jail Guards to Additional IG should be from the jail cadre as is the case in all other States. The existing arrangement of having Ex-officio Supdts. at all places including the Central jail Aguada from the general administration can not ensure efficient functioning of the Department as per its legal obligations. It is learnt that the High Court of Mumbai, at Goa –

Panaji has in its order on the writ petition filed by a UTP Richard Rodrigues given specific directions on the staffing pattern of jails in Goa.

The UTP situation in Goa is slightly better than what is seen in many other States. The number of long-stay UTPs is found to be manageably small largely as a result of the rights consciousness of prisoners and regular visits of the judicial authorities to Jails. UTPs constituted around 68% of the total jail population on the days of visit. The number of UTPs staying in jail for over 3 years was 8% of the total number.

Prisoners' Education is not receiving much attention from the authorities. No effort has been made to start literacy classes for the illiterate prisoners held in large numbers (about 40%). A number of prisoners expressed their keenness to improve their educational qualifications through correspondence courses, arrangements for which can be made by approaching IGNOU if arrangements of Distance Education are made.

Work programmes being run in jails are in a state of neglect. Not even 10% of the convicts are actually working in the three trades namely Tailoring, Carpentry and Paper-bag making. The existing potential remains under utilized. The Jail Industry, particularly the Tailoring and Carpentry units can be expanded to stitch school uniforms and repair wooden furniture of Government Department. The Department should think of introducing a few more trades such as Coir Industry, Screen-printing, Type-writing, Book-binding, Computer education etc. Agriculture and Horticulture activities can also be developed. The results achieved

at Sub jail Sada Vasco where a beautiful form has been developed on a vast track of rocky land indicate potential for fruitful expansion of these activities. Rehabilitatory aspect has not received any significant attention.

While no serious complaints have been received about the quantity and quality of food, the existing arrangements of supply of food through private contractors at Judicial Lock-ups needs to be reviewed. The special dietary requirements of sick prisoner's, women prisoners and children have to be addressed by properly laying down scales of special diet to these categories.

The medical facilities provided to the jails from the Health Centers/PHCs although functioning to prisoners' satisfaction are highly inadequate. It is shocking to learn that even the sole Central Jail of the State is without a regular medical officer. In most of the States, Doctors have been posted to all Jails up to the District level. In my opinion, both the Central Jail Aguada and Sub jail Sada Vasco must be provided with Jail Doctors assisted by a Paramedic.

The plight of women prisoners especially the UTPs presents a glaring deficiency of the Jail Administration. Women UTPs are presently lodged only at the Central Jail which has a very inconvenient location. The hardships caused to the prisoner's families can be well imagined. The staffing pattern provides for female workers only with no provision for supervisory female staff except one matron. There is need for providing supervisory female staff in the rank of at least Assistant Jailer.

The system of Jail Adalats which has become popular in other States is yet to be tried in Goa. No such Adalats were held in any jail during the past three years.

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The institution of Board of Visitors which has become defunct needs to be revived. The NGO involvement in education, recreation and welfare of prisoners needs to be increased.

Premature release of prisoners sentenced to life imprisonment is being governed by the relevant provisions of the Cr.P.C. with a very sparing use of the constitutional provision of Art 161. The State Review Board meets regularly and its orders are found to be speaking orders. However, the guidelines issued by the NHRC vide No. 233/10/97-98 dated 8.11.99 and No. 233/10/97-98 dated 26.9.2003 on the subject are yet to be given effect in Goa.

The jails in Goa are governed by the Rules incorporated in the Jail Manual framed from 1965 onwards. Most of the provisions are outdated and violative of prisoners' rights. The model Prison Manual prepared by the BPR&D and approved by the MHA last year is being examined in the Home Deptt. for adoption.

Clal  
(Chaman Lal) 17/2/05  
Special Rapporteur  
17.2.2005