

Review of the activities and overall performance of Yerwada Central Prison, Pune by Dr. L. Mishra, IAS (Retd.), Special Rapporteur, NHRC on 22.7.2008

'I look before me
A deep dark world
A world of suffering and anguish
A world caged and cabined by
Narrow, empty and tiny cells
I want food
I want light
I want open air
I want strength, long life
and delight'.

By Viswakabi Rabindranath Tagore

This was the vision of a traditional prison by Nobel Laureate Rabindranath Tagore in 'Ebar Phirao More'. It was almost a century ago that the celebrated author of 'Geetanjali' wrote this inimitable piece.

Since then a sea change has taken place in the nature and character of a traditional prison. The custodial and retributive character of a prison has been replaced by a correctional and reformatory one. The guiding principles which have influenced and shaped the policy towards correctional reforms since 80s are:-

- Every prisoner is a human being with the same joy and sorrow, laughter and tears, hopes and aspirations as any other human being; he/she is entitled to the same inalienable human rights as any other human being;
- Every prisoner is entitled to be treated with the same dignity and decency as any other human being;
- The very fact that a prisoner has been sentenced to imprisonment once and has suffered enough physically, mentally and emotionally

implies that he is not to be incarcerated through imprisonment once again;

- Such incarceration can be prevented by creating a congenial environment inside the prison which will be conducive to the physical, mental and emotional well being of the prisoner as an individual on the one hand and by bringing about a balanced combination between physical environment with therapeutic care and treatment on the other;
- The physical environment itself has to be a balanced combination between the needs of security on the one hand and minimal creature comfort and convenience of the prisoner as an individual on the other.
- The therapeutic treatment and care implies the following:-
 - Medical examination of every prisoner within 24 hours after admission;
 - Providing facilities for both ordinary and specialized treatment on the basis of ailment, if any, diagnosed after such examination;
 - Ensuring the irreducible barest minimum right to food, right to potable water, right to personal hygiene and sanitation, right to literacy and education, cultural and recreational rights of every prisoner as an individual;
 - Treating every prisoner with kindness and compassion, empathy and sensitivity in the same manner as late V. Shantaram, the outstanding Marathi and Hindi film personality had demonstrated in his classic film, 'Do Aankhe Barah Haath' in the 60s;

- Creating an institutional mechanism through which all day to day grievances of the prisoners can be ventilated and positively redressed;
- Removing feelings of fear, anger, irritation, hatred, distrust, suspicion and revenge in the minds of prisoners and replacing the same by fellow feeling, warmth, cordiality, brotherhood and bonhomie;
- Instilling hope, faith and conviction into the mind of every prisoner that despite the vicissitudes and trying circumstances under which the prisoner was brought into the prison, all is not lost and a life of dignity and decency can be started afresh;

Most of these guiding principles have been laid down by the apex Court over a period of 3 decades (70s, 80s and 90s) through a series of judgements some of which are worthy of being mentioned as under:-

- In Vidya Sagar Vs. State of Punjab the Court observed, 'though the stage for raising the presumption of innocence in favour of the accused person does not arise till conclusion of the trial and appreciation of the entire evidence on record, yet the matter of granting bail has to be considered in the background of the fact that in criminal jurisprudence which guides the Courts, there is a presumption in favour of the accused'.
- In Godikanti Vs. Public Prosecutor, Justice Shri V.R. Krishna Iyer observed, 'personal liberty deprived when bail is refused, is too precious a value our Constitution recognized under Article 21 and that the crucial power to negate it is a great trust exercisable, not casually but judicially with likely concern for the cost to the individual and the community'.

- In *Hussainara Khatoon Vs. State of Bihar*, Justice Shri P.N. Bhagwati, while effectively raising the inherent weaknesses of the existing system of release on bail by executing a monetary bond observed, 'the bail system as we see it administered in the criminal courts today is extremely unsatisfactory and needs drastic change. In the first place, it is virtually impossible to translate the risk of non-appearance by the accused into precise monetary terms. Even its basic premise that risk of financial loss is necessary to prevent the accused from fleeing is of doubtful validity. There are several considerations which deter an accused from running away from justice and risk of financial loss is only one of them and that too not a major one..... 'under the law, as it stands today, the Court must abandon the antiquated concept under which pretrial release is ordered only against bail with sureties. That concept is outdated. Experience has shown that it has done more harm than good. The new insight into the subject of pretrial release which has been developed in socially advanced countries, and particularly the USA, should now inform the decisions of our Courts in regard to pretrial release. If the Court is satisfied, after taking into account, on the basis of information placed before it that the accused has roots in the community and is not likely to abscond the Court can safely release the accused on his personal bond'.

'The bail system causes discrimination against the poor since the latter would not be able to furnish surety on account of their poverty This discrimination arises even if the amount of bail as fixed by the Magistrate is not high, for a large majority of those who are brought before the Criminal Courts are so poor that they would find it difficult to furnish bail even in a small amount'.

- In *Sunil Batra Vs. Delhi Administration and others* Justice Shri V.R. Krishna Iyer observed, 'Condemned Prisoners like the petitioner shall be merely kept in custody and shall not be put to work like those sentenced to rigorous imprisonment. These prisoners shall not be kept apart or segregated except on their own volition since

they do not come under Section 30(2) of Prisons Act. They shall be entitled to the amenities of ordinary inmates in the prison like games, books, newspapers, reasonably good food, the right to expression, artistic or otherwise and normal clothing and bed. In a sense, they stand better than ordinary prisoners because they are not serving any term of rigorous imprisonment as such. However, if their gregarious wishes induce them to live in fellowship and work like other prisoners, they should be allowed to do so. To eat together, to sleep together, to work together, to live together, generally speaking, cannot be denied to them except on specific grounds warranting such a course such as homosexual tendencies, diseases, violent proclivities and the like'.

- In the same judgement it was held that the practice of keeping undertrials with convicts in jails offended the test of reasonableness in Article 19 and fairness in Article 21. The undertrials, it was held, are presumably innocent until convicted and if they are kept with criminals in jail it violates the test of fairness of Article 21.
- In the same judgement, it was held that integrity of physical person and mental personality of the prisoner are important rights of a prisoner and must be protected from all kinds of atrocities.
- In Prem Shankar Vs. Delhi Administration the validity of certain clauses of Punjab Police Rules were challenged as violative of Article 14, 19 and 21 of the Constitution. Delivering the majority judgement, Justice Shri V.R. Krishna Iyer held that provisions in Paras 26 and 22 that every undertrial who was accused of non-bailable offence punishable with more than 3 years jail term would be handcuffed were violative of Articles 14, 19 and 21 of the Constitution. Handcuffing should be resorted to only when there is 'clear and present danger' of escape breaking out the police control and for this, there must be clear material, not merely an assumption. In special circumstances, the application of iron is not ruled out. But even where in extreme cases, handcuffing is to be

put on the prisoner, the escorting authority must record simultaneously the reasons for doing so; otherwise, under Article 21, the procedure would be unfair and bad in law. It was observed, 'handcuffing is prima facie inhuman and, therefore, unreasonable, is over harsh and at the first flush arbitrary.'

- The same principle was upheld in *Sunil Gupta Vs. State of M.P.* and *Citizen for Democracy Vs. State of Assam*.
- In *Hussainara Khatoon (No.1) Vs. Home Secretary, State of Bihar* a petition for a writ of habeas corpus was filed by a number of undertrial prisoners who were languishing in jails in the State of Bihar for years awaiting their trial. The apex Court held that 'right to a speedy trial, a fundamental right is implicit in the guarantee of life and personal liberty enshrined in Article 21. Speedy trial is the essence of criminal justice. Speedy trial is one of the constitutionally guaranteed rights under the Sixth amendment. Justice Shri P.N. Bhagwati held that although, unlike the American Constitution speedy trial is not specifically enumerated as a fundamental right, it is implicit in the broad sweep and content of Article 21 as interpreted in *Maneka Gandhi's* case. No procedure which does not ensure a reasonably quick trial can be regarded as 'reasonable, fair or just'. For this reason, the Court ordered the Bihar Government to release forthwith the undertrial prisoners on their personal bonds.
- In a significant judgement in *Abdul Rehman Antuley Vs. R.S. Nayak* the Supreme Court has laid down detailed guidelines for speedy trial of an accused in a criminal case but declined to fix any time limit for trial of offences. The Court held that the right to speedy trial flowing from Article 21 is available to the accused at all stages namely the stage of investigation, inquiry, trial, appeal, revision and retrial.

- In State of Maharashtra Vs. Manubhai Pragaji Vashi the apex Court has considerably widened the scope of the right to free legal aid. The Court held that in order to provide 'free legal aid' it is necessary to have well trained lawyers in the country. This is possible if there are adequate number of Law Colleges with necessary infrastructure, good teachers and staff. Since the Government is unable to establish adequate number of Law Colleges it is the duty of Government to permit establishment of duly recognized private law colleges and afford them grants-in-aid on similar lines on which it is given to Government Law Colleges. This would facilitate these Colleges to function effectively and in a meaningful manner and turn out sufficient number of well trained or properly equipped law graduates in all branches year after year. This in turn will enable the State and other authorities to provide 'free legal aid' and ensure that opportunities for securing justice are not denied to any citizen on account of any disability.
- In Suk Das Vs. Arunachal Pradesh, the apex Court has held that failure to provide free legal aid to an accused at the State cost, unless refused by the accused would vitiate the trial. He need not apply for the same. Free Legal aid at State cost is the fundamental right of a person accused of an offence and this right is implicit in the requirement of reasonable, fair and just procedure prescribed by Article 21. This right cannot be denied to him on the ground that he has failed to apply for it. The Magistrate is under an obligation to inform the accused of this right and inquire whether he wishes to be represented at the cost of the State.
- In R.D. Upadhyay Vs. State of A.P. and others the apex Court held that since a child is not to be treated as an undertrial or convict while in jail with his/her mother, such a child is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right. Accordingly the Court issued several guidelines regarding pregnancy of women prisoners, child birth in jail, food, clothing, medical care, shelter, education and recreational

facilities in respect of such children. The Court also directed that the Jail Manual or other relevant Rules and Regulations be amended within 3 months for complying with the guidelines issued by the Court. The States and UTs were directed to implement the schemes and laws relating to welfare and development of such children in letter and spirit. The State Legal Service Authorities were also directed to undertake periodical inspection of jails and monitor the pace of compliance with the directions.

Yerwada Central Prison – the setting:

The performance of Yerwada Central Prison may be viewed in this perspective. Historically speaking it is just not an ordinary prison; it is a historical monument, a national heritage. It is in the cells of this prison meant for high security prisoners were lodged in 30s and 40s eminent personalities like Bapu, the Father of the Nation, Pandit Motilal Nehru, Pandit Jawaharlal Nehru, Lokmanya Bal Gangadhar Tilak, Sardar Vallabhbhai Patel, Smt. Sarojini Naidu, Netajee Subhash Chandra Bose and many other distinguished freedom fighters who had sacrificed everything for the cause of the liberation of the mother land. The birth of Dandi March in 30s and Quit India Movement in 40s were conceptualized from these cells and translated to action outside. These cells bear the indelible footprints of these heroes of the freedom struggle whose names are inscribed on the board at the entrance. As one visits these cells one is transported to a different world – a world of relentless struggle, suffering and sacrifice for a noble cause and one is simultaneously filled with a sense of pride and patriotism.

The Yerwada Central Prison was established in 1871. It is located in an area with a total coverage measuring 521 acres. The area within the parameter of the 4 walls is, however, only 65 acres. Initially it was established outside the city limits. The Pune city has grown in the intervening years and a number of localities have come up around the prison. Even though these outgrowths are against the provisions of Model Prison Manual and present a threat to the security of the prison, the

Regional DIG who was present throughout the duration of my visit stated that he has not so far perceived any threat to the security of the prison on this account.

Entrance to the Prison:

The Preamble to the Constitution of India translated into Marathi has been inscribed on a board at the entrance outside. At the entrance and inside the walls of the main gate of the prison 2 paintings made by a life convict Rahul More have been displayed. The first one is an exhortation from the painter that life is like a little nest and all of us – the inhabitants on this planet have built it bit by bit by our 'blood, sweat and tears'. The second one is a portrait of Mother India which symbolizes unity and integrity of the Nation as also unity amidst diversity. It also conveys the central message of promoting and preserving the eternal values of life represented by the suffering and sacrifice of freedom fighters. These 2 paintings establish the centrality of the truth that a life convict is also a human being endowed with the same creativity, same artistic and histrionic talent as any other human being born and brought up under normal circumstances.

The Superintendent's room:

There are 3 boards in the chamber of the Superintendent – one showing the position of cadre wise staff sanctioned, staff in position, staff on leave and staff under training and another showing the activities performed in the jail and information about different categories of prisoners like undertrial, convicts, condemned prisoners, prisoners involved in gang war, civil prisoners etc.

Prison building:

The buildings are 137 years old. At the relevant point of time when they were constructed RCC technology was not known. The structures were made of lime, mortar and stone. There was no DPC, no plinth protection and no pest control. It is but natural that seepages and leakages will develop and they have developed but they have been attended to immediately by PWD authorities. There has not been any problem of major damage necessitating demolition of a part or whole of the building. It is evident that the structure of the building must have been very strong partly on account of good quality stones but largely on account of workmanship. The Regional DIG who was with me throughout the review indicated that the prison has received the best building heritage award in 2007.

In all there are 39 barracks and 255 cells in the male section and 4 barracks and 11 cells in the female section. The latter is located in separate premises 100 metres away from the male prison.

Each barrack has been provided with sufficient lighting (5 tubelights) and sufficient ventilation (5 fans in each barrack).

The city of Pune suffers from interruptions and trippings as also heavy loadshedding for which a DG set with sufficient KVA capacity is needed in the Yerwada prison.

Custodial staff:-

The table below shows the sanctioned strength and actual strength of custodial staff and the position of vacancies:-

Table - I

	Sanctioned Strength	Actual Strength	Vacancy
Custodial Staff	469	402	62
Administrative Staff	34	26	08
Health Staff	19	19	0

Agricultural Staff	03	03	0
Industry Staff	32	27	05
Educational Staff	05	03	02

It was clarified by the Superintendent that even with such large vacancies (about 14%) they have been able to manage the prison on the principle of 'achieving more efficiency with less manpower.'

It was further clarified that recruitment of guards is over and security vetting is in process. Recruitment of clerical staff and also staff in Gr. II and industrial vacancies is also in process.

Terms and Conditions of Service and employment of all categories of personnel

The scales of pay and allowances of the Supdt. and other subordinate staff are quite low and are likely to affect their morale and motivation of officers as would be evident from the following:-

Superintendent, Central Prison	-	Rs. 12000/- 375 – Rs. 16500/-
Supdt., District Prison Class I	-	Rs. 10000/- 325 – Rs. 15200/-
Office Superintendent	-	Rs. 6500/- 200 – Rs. 10500/-
Jailor Gr. I	-	Rs. 6500/- 200 – Rs. 10500/-
Jailor Gr. II	-	Rs. 5500/- 175 – Rs. 9000/-
Senior Clerk	-	Rs. 4000/- 100 – Rs. 6000/-
Clerk	-	Rs. 3050/- 75 – Rs. 3950/- 80 - Rs. 4590
Subedar	-	Rs. 4500/- 125 – Rs. 7000/-
Habildar	-	Rs. 4000/- 100 – Rs. 6000/-
Guard (Rakshak)	-	Rs. 3050/- 75 – Rs. 3950/- 80 – Rs. 4590/-

Provision of staff quarters is yet another major incentive to boost the morale and motivation of the staff. Against 557 sanctioned posts, 42 quarters for officers and 426 quarters for other prison personnel have been provided. This means that there is need for construction of additional 87 quarters.

Human Resource Development:

Training is an essential input of human resource development. Training imparts information and skills. Training removes doubts and uncertainties and helps to place issues in a correct and holistic perspective. Training imparts high morale and motivation. Training brings about attitudinal change and makes the recipients of training, if conducted effectively more empathetic and sensitive.

To have a first hand assessment of the content and quality of the training imparted to prison officers and guards, I visited Daulatrao Jadhav Jail Officer's Training College which is located adjacent to Yerwada Central Prison. The duration of training for each category in regard to both induction training and retraining is as under:-

Table - II

S.No.	Induction Training	Duration
1.	Supdt. of District Prisons Class II and Jailors Class II	2 years consisting of one year at school and one year practical work.
2.	Constables	Training of 5 months at Jail Officer's Training School.

Table - III

S.No.	Designation	Duration of Training
1.	Supdt. and Jailor	2 months in every 3 years.
2.	Prison guards	1 month every 4 years.

The Training College is headed by an officer of the rank of Superintendent. Since the college is imparting training for Superintendents it is only appropriate that the college is headed by an officer of DIG's rank to provide necessary leadership and direction which is lacking at present.

Went through in detail the curriculum, course content and textual materials. They are heavily loaded in favour of theory (law, sociology, criminology etc.) and less in favour of practical work involving the following:-

- how to bring about qualitative improvement and change in correctional behaviour;
- how to build up a network of intelligence to have a complete grip over what is happening inside the prison;
- how to preempt a crisis (riot inside the jail) by advance planning and preventive action;
- how to minimize discontentment among inmates through an institutional arrangement for ventilation and redressal of grievances of the former;
- how to spot and harness talent amongst the inmates;
- how to deal with mentally ill persons;
- how to conduct death audit;
- how to modernize vocational skill training programmes;
- how to protect and safeguard the interests of children upto 6 years who are required to stay with their undertrial and convict mothers according to the judgement of the Supreme Court in R.D. Upadhyay Vs. State of A.P.

The library attached to the jail officer's training college is in a very bad shape. It is a library for name's sake. The number of books is extremely small. There is no reading room. There is no evidence that the library is being used at all by the trainees.

One of the most innovative and effective ways of conducting training programme is to conduct mock training sessions relating to the following:-

- admission;
- medical examination at the time of admission;
- speedy trial;
- grant of bail;
- filing of appeal;
- disposal of appeal;
- conducting a trial court inside the jail;
- premature release;
- parole and furlough;
- how to deal with mentally ill persons;
- how to deal with escape of prisoners;
- how to conduct teleconferencing.

Distinguished legal luminaries of the area and from outside should be invited to preside over the mock sessions which will help in understanding the procedural bottlenecks and accelerate the pace of disposal.

On the whole I did not get any satisfactory evidence that training curriculum has been properly designed or training sessions are being conducted with imagination and effectiveness. It was amply clear that training as an input of human resource development has not received the attention which it deserved.

The sanctioned capacity of the prison is as under:-

Male -	2323
Female -	126
Total -	2449

Actual strength of the prisoners is as under:-

Convicts (male) - 1432
 Convicts (female) - 247
Total - 1679

Undertrials (male) - 2047
 Undertrials (female) - 71
Total - 2118

The break up between lifers, condemned prisoners, persons sentenced to rigorous imprisonment and simple imprisonment and detenues is as under:-

Table – IV

Category	Male	Female	Total
Lifers	761	169	930
Condemned Prisoners	23	03	26
Rigorous imprisonment	1391	238	1629
Simple imprisonment	40	09	49
Detenus	06	02	08

Daily average strength of the previous month –

Male - 3380
 Female - 332
Total - 3712

The population slip as on 22.7.08 i.e. the date of visit is as under:-

Table - V

S.No.	Category of Prisoners	Total
1.	Convicted Prisoners	232
2.	Undertrial Prisoners	71
	Total	303

Table – VI**Detailed breakup of prisoners**

S.No.	Category of Prisoners	Total
1.	Convicted Overseer	10
2.	Life imprisonment	166
3.	Condemned prisoners	03
4.	Simple imprisonment	10
5.	Rigorous imprisonment	43
6.	UT Prisoners	68
7.	Detenue Prisoners	02
8.	Habitual Prisoners	00
9.	Escape Prisoners	01
	Total	303

Table – VII**Children of Undertrial Prisoners**

S.No.	Age Group	Male Children	Female Children	Total
1.	1 to 12 months	-	1	1
2.	1 to 3 years	-	2	2
3.	3 to 6 years	-	-	-
4.	Above 6 years	-	1	1

Table – VIII**Children of Convicted Prisoners**

S.No.	Age Group	Male Children	Female Children	Total
1.	1 to 12 months	-	-	-
2.	1 to 3 years	1	4	5
3.	3 to 6 years	3	1	4

N.B.:- Children of UTs and convicts above 6 years are not required to be kept in the prison but to be sent outside preferably to a children's home set up under the Juvenile Justice Act, 2000 (as amended in 2006) where their education, health, nutrition and medical care can be taken care of. No attention seems to have been paid by the Central Prison authorities in this direction. This is violative of the spirit of the judgement in R.D. Upadhyay Vs. State of A.P. Such children need to be sent to institutions (like homes set up under the Juvenile Justice Act, 2006) for their education, health, medical care etc. The State would continue to be the guardian and the promoter of health and education of such children outside the prison as it was inside the prison.

Rights of Prisoners:**I Right to speedy trial:**

In all 2118 undertrial prisoners have been lodged in Yerwada jail of whom nearly 50% would come under the category of offences which warrant minor penalties such as offences under the Railway Act, Bombay Police Act, offences u/s 323 and 379 IPC and which could be easily disposed off if camp courts could be held inside the prison. This has not been possible on a large scale so far due to shortage of magistrates who could be empowered by the State Government, trained and authorized to try these cases.

- The following may be construed as the contributory factors which contribute to the delay in disposal of cases of UTPs such as:-
 - Non-availability of police escort;
 - Failure in getting released on bail;
 - Failure to furnish surety;
 - Non-availability of non custodial measures except furlough and parole;
 - Non-implementation of plea bargaining;
 - Non-implementation of Probation of Offenders Act, 1958.

- To hold camp courts inside the prison for disposal of petty offences on simple acknowledgement of the offence by the accused the following conditions are to be fulfilled:-
 - Availability of sufficient number of magistrates;
 - Training of such magistrates by the State Judicial Officer's Academy;
 - Availability of a large hall inside the prison;
 - Timely submission of charge sheet by the police.

- I was told that such courts are being held twice a month and about 20-25 cases involving minor offences are being disposed off. Speedier disposal would be possible with availability of more magistrates and timely submission of charge sheet by the police which does not happen.

Video conferencing:

- Contrary to the impression I got in Pozhal Central Prison, Chennai where prisoners were found to be very happy in talking to the Magistrate face to face through television, the experience in Yerwada Central Prison is quite different. The prisoners do not

feel very much enthused in talking straight to the Magistrate through television.

Implementation of Probation of Offenders Act, 1958

The number of cases under Probation of Offenders Act (i.e. only 1) was minimum last year (2007) contrary to the experience at the national level.

The table below indicates the number of undertrial prisoners in Yerwada Central Prison as on 31.5.2008:-

Table – IX

S.No.	Detention period	Male	Female	Total
1.	0-3 months	706	15	721
2.	3-6 months	412	30	442
3.	6-12 months	371	11	382
4.	1-2 years	186	13	199
5.	2-3 years	154	03	157
6.	3-5 years	43	04	47
7.	Above 5 years	01	00	01

UTPs are being lodged in separate barracks and have been fully segregated from convicts.

- I was given to understand that there are serious problems in getting police escort for taking UTPs from the prison to the court. The last 3 months average of police escort which has been made available ranges between April (20%), May (24%) and June (44%).
- In course of discussion with the DIG Range I was apprised of the measures taken all over Maharashtra for reducing over crowding in prisons in Maharashtra as under:-

- Nine new jails are proposed to be taken up for construction;
 - Of these construction work for Taloja Central Jail and Marshi Open Jail (Amravati) district has started recently;
 - The remaining 7 jail buildings are at different stages of construction;
 - The Supdt., Yerwada Central Prison has sent a proposal for construction of 4 additional barracks which will accommodate 200 additional prisoners. This will reduce overcrowding to some extent.
- I was further given to understand that Hon'ble Justice (Retd.) Shri Kurdudar has been appointed by the Supreme Court to look into the question of expediting the trial of UTPs and other security measures in the prisons of Maharashtra, measures for prison reforms and other related matters. He is required to complete his assignment by the end of the month (July, 2008).
 - From the side of the prison administration the following suggestions were offered for reducing overcrowding and expeditious trial of cases of UTPs:-
 - Minor offences need to be decided expeditiously on a day to day basis;
 - Non-custodial measures (admonition/warning/one day imprisonment till the rising of the court need to be taken recourse to;
 - Bail provisions should be implemented strictly in conformity with the procedure established by law and in tune with the spirit of the directions of the apex Court;

- Probation of Offenders Act, 1958 should be strictly implemented;
- Plea bargaining should be seriously implemented.

Right of UTPs to be released on bail:

- The Yerwada Central Prison does not maintain any information relating to the number of bail petitions pending in the trial courts pertaining to the prison. Similarly, no information is available regarding the number of cases where the prayer for bail has been rejected but the Advocate concerned has not yet communicated the reasons for rejection.
- It, however, transpired that in 131 cases UTPs have been granted bail by the court but they could not be released as no sureties were available.
- The prison administration does not have any suggestions as to how to improve this situation i.e. release of UTPs on bail with sureties. It feels that this is a matter which strictly comes within the purview of the courts.
- There could be 2 ways to look at this issue. One is to release UTPs on bail on a personal bond in the absence of sureties. Such a course of action has been suggested by the apex Court in Hussainara Khatoon Vs. State of Bihar.
- The second way of looking at this issue is to organize regular monthly police magistracy coordination meetings under the chairmanship of DM where this issue can be reviewed and corrected measures taken.

Right of convict prisoners to appeal:

- The Prison administration furnished the following figures about number of appeals pending in the High Court against the convictions:-

Male -	239
Female -	102
Total -	241
- It transpired in course of the review that some of the appeals are pending for more than 7 years. This is inordinate delay which is bound to cause a lot of frustration and uneasiness in the minds of the convict appellants.
- The prison administration has no specific views in the matter except stating that it provides all legal help to the convict prisoners in filing their appeal in time.
- This matter needs to be taken up by the Home Secretary of the State Government with the Registrar High Court.
- The Governor and Chief Minister of the State can also informally bring it to the notice of Hon'ble Chief Justice of the High Court when they meet periodically to discuss issues of public interest.
- It transpired that one of the progressive steps taken by the High court of Judicature, Mumbai is to engage the services of III year students of law to visit the jail for meeting the convict prisoners, ascertain full details of the case, draft the appeal petitions in a legal language and submit the same to their seniors for scrutiny.

Premature release of convict prisoners:

- Two Advisory Boards for Yerwada and Kolhapur Central Prisons have been constituted. The Board comprises of the DM, the Sessions Judge, DIG of Police of the Range, the Superintendent of Police and three non-official members nominated by the State Government. The DM is the Chairman of the Board and the SP is

the Member Secretary. During 2007-08 and 2008-09 there were 2 meetings of the Board held on 19.12.2007 and 28.4.2008 but 35 cases are still pending for review.

- According to the procedure established by law, the applications for premature release are to be first submitted to the Superintendent of Police. After preliminary scrutiny of good conduct and behaviour the SP sends the cases to DM. The cases are put up thereafter before the Advisory Board with the report of SP and comments of DM.
- It transpired in course of review that in 90% of the cases the police report is adverse which shapes and influences the decisions of the Advisory Board. There are cases of life convicts who are very old (most in 70s and 80s) but according to the provisions of the Model Prison Manual they have to complete a minimum period of 14 years imprisonment before their cases could be considered by the Advisory Board. Incarceration of elderly persons in their 70s and 80s for such a long period in the prison serves no useful purpose to the society apart from being harmful to the individual. Such cases where the individual concerned is unlikely to pose any threat to the society or to peace and tranquility or to public order need to be viewed from a humanitarian point of view.

Right to food:

The Right to food has the following components:-

- State of the kitchen where the food is prepared;
- Scales of diet;
- Nutritive value of food;
- Manner in which food after being cooked is stored, transported from the kitchen to the barracks and served to the inmates;

- Whether suggestion of inmates is solicited about the quantity and quality of food.

State of the kitchen:

The Central kitchen suffers from series of deficiencies such as:-

- There is no outlet in shape of a chimney for smoke to go out;
- Sufficient number of exhaust fans have not been installed;
- There are no fly proof automatic closing doors;
- There is no platform meant for washing, cleaning and cutting vegetables;
- Chapatti making machines are available but chapattis are being made by hand by the prisoners working in kitchen.

Scales of diet:

- The daily diet allowance is as follows:-

	<u>Undertrials</u>	<u>Convicts</u>
Male	Rs. 19.93	Rs. 20.48
Female	Rs. 19.93	Rs. 19.98

The scales do not appear to be adequate to meet the norm that food served for breakfast, lunch and dinner is sumptuous, wholesome and nutritious.

Nutritive value of food:

This is measured by kilo calorie.

According to the established norm laid down by the ICMR it should be 2500 in the minimum for non-working women and 2800 in the minimum for non-working men. For those women and men prisoners who have to subject themselves to hard manual labour the nutritive value of food should be much higher i.e. in the range of 3000+. The scale of diet (both vegetarian and non vegetarian) should be fixed accordingly. In the response to the questionnaire circulated by me the prison authorities could

not confirm if the above nutritive value of food is being observed. This needs to be worked out by a professional dietician and confirmed. There is, however, no dietician or nutritionist at the disposal of the Central Prison.

Manner in which food after being cooked is stored, transported and served:

- Food after being cooked should be stored in a stainless steel container. There is no such arrangement to keep the food hot before it is served;
- Food is transported from the kitchen to the barracks in a container kept in a hand pushed vehicle;
- The utensils made of stainless steel are used to cook the meals while aluminium utensils are used to serve meals to inmates. This is contrary to the provisions of Model Prison Manual according to which only stainless steel utensils should be used to serve meals to the inmates;
- There is no dining table to serve food to the inmates who take food served to them on the floors;
- There does not appear to be any mechanism by which the views/comments and suggestions of the inmates are solicited to improve the quality of food.

Right to water:

Right to water has the following components:-

- It should be @ 135 litres per head for cleaning, washing, cooking, flushing etc.;
- Potable water should be free from chemical and bacteriological impurities;
- It should also be free from excess of iron, sodium, magnesium, calcium and fluoride;

- Samples of water should be regularly drawn and sent to an approved PH laboratory for test and correctives should be applied to remove the deficiencies;
- Overhead storage tanks should be regularly cleaned by using a State of the art technology with mechanized dewatering sludge removal, high pressure cleaning, vaccum cleaning, antibacterial spray and ultra violet radiation.

The prison authorities of Yerwada Central Prison in response to the above points in the questionnaire circulated by me in advance have stated as under:-

- The overhead water tank has a capacity of 1,50,000 litres against 3830 inmates on the date of review (22.7.08) which works out to an average 39 litres of water per head. While this is adequate for the purpose of drinking, it is not sufficient for the purpose of cleaning, washing, bathing etc.;
- Pune, Municipal Corporation is currently supplying water to the Prison;
- Water is protected from being polluted by percolation of surface water;
- Overhead tanks where water is being stored are being cleaned by the PWD;
- Samples of water are being regularly drawn and sent to approved PH Laboratory for test;
- Test reports have confirmed that water is free from bacterial and chemical impurities, colour, hardness and alkalinity; it is also free from excess of iron, sulphur, magnesium, sodium and fluoride.

Right to sanitation:

Right to sanitation has the following components:

- Sufficient number of WCs and urinals should be available in the barracks;
- Sanitary type latrines with arrangements for flushing; availability of adequate quantity of water for flushing;
- Toilet inmate ratio should be 1:6;
- Placement of toilets should be such that water flows down, the place is dry and tidy and not slippery (due to fungus) so as to cause accidents by fall.

In response to the questionnaire covering these points circulated by me in advance the prison authorities have stated as under:-

- Due to constraint of space, there is only one WC inside the barrack but WCs in the ratio of 1:10 are provided outside the barracks;
- The latrines are of sanitary type but there is no arrangement for flushing;
- The toilets are placed on impermeable basis, higher than the surrounding ground and are so built that rays of the sun can enter the latrines;
- The inside walls of the latrine have been filled with glazed tiles upto a height of one metre from the floor level.

Right to Personal hygiene:

Right to personal hygiene has the following components:-

- Adequate arrangements for bath exist which also ensure right to privacy;

- Adequate arrangements exist for cleaning ones clothings either with soap/detergents supplied by the prison authorities in the absence of a mechanized laundry installation of a mechanized laundry.

The arrangements obtaining in Yerwada Central Prison with regard to the first are inadequate and unsatisfactory. In the absence of cubicles prisoners have to take bath in open platforms which is ostensibly violative of the right to privacy. Besides, in the absence of mechanized laundry prisoners are required to wash their clothes in the open platforms which are built with taps. This leads to water logging and creates an unclean and unhygienic surrounding which could be a breeding ground for mosquitoes.

Right to health and medical care:

Such a right has the following components:-

- Hospital accommodation should be 5% of the daily average of the inmate population;
- Location of the hospital;
- Uninterrupted supply of water and electricity;
- Existence of a separate kitchen for the jail hospital;
- Medical examination of the inmates soon after admission;
- Separate wholesome, sumptuous and nutritious special diet for ailing prisoners (independent of the food which is served from the central kitchen);
- Reference of critically ill persons including mentally ill persons to referral hospitals for specialized treatment.

In response to the questionnaire covering these points circulated by me in advance the prison authorities have stated as under:-

- The number of beds available in the jail hospital for ailing inmates is as under:-

Table – X

S.No.	Description of the category of patients	No. of beds
1.	General Ward	25
2.	Psychiatric Ward	45
3.	Separate Psychiatric Ward	40
4.	HIV/TB Ward	21
	Total No. of beds	131

- The prison hospital is located sufficiently away from other circles and barracks;
- The hospital floor is covered with ceramic tiles;
- There is uninterrupted supply of water and electricity;
- There is a separate kitchen attached to the hospital with arrangement for its proper upkeep and maintenance;
- Medical examination of all ailing prisoners takes place within 24 hours after admission;
- Medical diet including milk and bread is prescribed for all ailing prisoners;
- On an average 150 inmates are being examined in the OPD.
- The following table indicates the strength of doctors and para medical staff:-

Table – XI

S.No.	Description of Category	Male	Female	Total
1.	Medical Officers	05	-	05
2.	Paramedical Staff Pharmacists	03	-	03
3.	Lab Technician	-	01	01
4.	Nursing Orderly	05	-	05

- A dental surgeon from Dr. D.Y. Patil College and Hospital, Pune visits the Prison Hospital for dental check up twice a week.
- Health camps for spread of awareness about various communicable and non-communicable diseases are held inside the jail premises with the help of NGOs.
- There are 11 inmates who have been tested and diagnosed as cases suffering from HIV/AIDs. There is a Pune city AIDs Control Institute which conducts monthly blood examination of suspected cases.

Treatments of mentally ill persons:

In course of review the following picture emerged about status of mentally ill persons in the Yerwada Central Prison:-

- 85 prisoners have been kept in the observation ward. They have been found to be psychologically disturbed;
- They are being regularly examined by the Psychiatrist posted to the Prison hospital and the visiting Psychiatrist from Regional Mental Hospital, Yerwada.

Depending on the outcome of the said examination and on the advice of the Psychiatrist they are transferred to RMH, Pune for specialized treatment.

Interaction with indoor patients in the jail hospital:

I UT 6422 Suresh Anandrao Bireamne

He is suffering from asthma, not getting any relief from the treatment in the jail hospital and, therefore, pleaded before me that he should be sent to a Government hospital.

II UT 6159 Dattareya Maruti Kolte

He is suffering from Spondylitis for quite sometime, not getting the desired relief even after a prolonged treatment and requested that he should be given proper treatment at Sasoon hospital.

III C/9141 Nabilal Mohammed Hussain.

His experience of treatment in Government hospital at Sasoon is not altogether satisfactory. In his own words he was admitted at the Government Hospital at Sasoon, given medicines and was sent back to Yerwada jail even before he could be fully cured of the stone in his kidney, the ailment from which he has been suffering for quite sometime.

IV C/12246 Balu Sopan Randive

He has been suffering from a fracture in his right hand shoulder for sometime. His case was referred to Government Hospital at Sasoon. However, instead of having a correct diagnosis and treatment, the hospital authorities have simply put a plaster in the right hand and sent him back to Yerwada Central Prison.

V C/13914 Kishore Raghunath Gaikward

He is afflicted with HIV Positive and is also suffering from piles. His case is being repeatedly referred to Sasoon Hospital but he cannot be taken there without a police guard. Requisition for police escort is being sent but SP, Pune is unable to send a guard for escorting the prisoner to Sasoon hospital due to internal administrative problems.

VI C/14606 Sanjay Jaywant Gaikward

He has been suffering from cervical spondylitis and is unable to walk on his own due to partial Paralysis of limbs. His case deserves to be referred to a Government Hospital for specialized treatment which will be of prolonged duration.

VII C/14977 Vijay Ramchandra Yadav

He is diabetic and has also been suffering from severe joint pains (which possibly could be on account of some immunological disorders). His case also deserves to be referred to a Government Hospital for specialized treatment.

VIII C/4895 Gopal Oka Bokse

He has been tested HIV Positive and is also suffering from piles. Doctors have recommended surgery for piles. Since this cannot be done at the jail hospital his case should be referred to a Government hospital for surgery and removal of piles at the earliest.

IX UT/20 Jaikisan Ramprakash Singh

He has been suffering from severe diabetes and heart blockage and his case deserves to be referred to a Government hospital for specialized treatment and heart surgery, if considered necessary.

X C/11242 Pradip Ramnikal Bhat

He has been suffering from piles and represented that his case may be referred to Government hospital, Sasoon for surgery and removal of piles. The interaction with the patients did not reveal a very encouraging picture. On the one hand, patients whose cases deserve to be referred to the Sasoon Government Hospital are not being referred; on the other hand, cases which are being referred are not receiving the type of attention which they deserve. There is scope for improvement in liaison and coordination between the Yerwada Central jail authorities and authorities of Sasoon Government Hospital.

Children staying with mothers:

- In conformity with the directions issued by the apex Court (R.D. Upadhyay Vs. State of A.P.) children are allowed to stay with their mothers (both UTPs and convicts) till they attain the age of 6 years.
- After the children reach the age of 6 years they should be handed over to a suitable surrogate as per the wish of the female prisoner. Alternatively they should be sent to an institution (Children's Homes under Juvenile Justice Act) run by the Social Welfare Department.
- All such children are being regularly examined by the visiting Lady Medical officer to monitor the physical growth of such children. They are also sent to Sasoon General Hospital, Pune for vaccinations and specialized treatment according to the nature of ailment.
- All such children are provided with adequate clothing suiting the climatic requirement.
- The nursery is located outside the prison premises but in the same Yerwada area and all children between 2 to 6 years go to this school.
- The scale of diet for such children as has been introduced recently by the Government of Maharashtra is as under:-

Table - XII

S.No.	Diet	Children 6-12 months	Children 1-3 years	Children 3-6 years
1.	Cereals & millets	45 gm	6-120 gm	150-210 gm
2.	Pulses (dals)	15 gm	30 gm	45 gm
3.	Milk	200 ml for a lactating child	500 ml	500 ml
4.	Roots & tubers	50 gms	50 gms	100 gms

5.	Green leafy vegetables	25 gms	50 gms	50 gms
6.	Other vegetables	25 gms	50 gms	50 gms
7.	Fruits	100 gms	100 gms	100 gms
8.	Sugar	25 gms	30 gms	30 gms
9.	Edible oil	10 gm	20 gms	25 gms
10.	Eggs/mutton/chicken/ Fish	50 gm	50 gms	50 gms

Educational, recreational and welfare facilities:

The overall scenario as stated by the Prison authorities is as under:-

- Literacy classes are being conducted by the NGO called Rajya Sadhan Kendra, Pune, wherein simple letter reading, writing and arithmetic are being taught;
- The textual materials for the literacy classes are being provided by the said NGO;
- The classes are being conducted at a separate building near the library;
- The teachers are selected and appointed by the Prison authorities;
- No light could be thrown on the training received by such teachers;
- The entire teaching learning process is voluntary;
- Evaluation of the minimum levels of learning is being jointly conducted by Government appointed teachers and the NGOs;

- After completion of the literacy classes the students are encouraged to take up higher studies through Yeshwantrao Chavan Maharashtra Open University, Nashik.
- The Prison authorities shared with me the following achievements of the learners through the literacy classes and with the encouragement of the Prison administration:-
 - Fourth Class - 2006-07 – 10 students appeared and passed.
2007-08 15 students appeared; results are awaited.
 - BA examination conducted by Yeshwantrao Chavan Open University Nashik –
 - 2006 - 10 students passed out
 - 2007 - 10 students passed out
 - 2008 - 71 students appeared; results are awaited.

Visual inspection of one literacy class more than convinced me that instructional lessons are not being conducted in a manner which would help in making the non-literate learners truly functionally literate. For any such functional literacy programme to be successful we need a few essential pre-requisites. These are (a) selection of the right type of teaching learning materials (b) selection of the right type of instructor who can effortlessly i.e. with ease and voluntarily impart functional literacy to the unlettered prisoners with excitement and joy (c) imparting primer specific training to the volunteer teaches which will be participative and communicative (d) appropriate timing of the classes and a proper environment which will be conducive to learning. Since these were missing I discussed with Dr. (Mrs.) Chitra Naik, Chairperson, Indian Institute of Education (founded by late Shri J.P. Naik, an outstanding adult educator of 60s, 70s and 80s who was also Member Secretary of National

Commission on Education (1964-66) headed by Prof. D.S. Kothari) and requested her to inspect the literacy classes being conducted inside the jail and provide correct guidance as to how exactly such classes should be conducted. She agreed to do so and also agreed to visit the literacy classes and discuss the entire issue with the Superintendent of Yerwada Central Prison. She agreed to evaluate the content and quality of the existing teaching learning materials being used and design, if necessary, a fresh set of these materials to make them more relevant for the prisoners. She also agreed that the Volunteer Instructors could be trained inside the prison by deputing a professional trainer to the prison and in making the training primer specific. I also spoke to the Superintendent, Yerwada Central Jail to revamp the entire functional literacy programme after discussing it with Prof. (Dr.) Chitra Naik at the earliest.

Prison Library and its utilization

The prison library has the following books in different languages:-

Marathi	-	3526
Hindi	-	1363
English	-	572
Tamil	-	55
Urdu	-	227
Gujarati	-	85
Others	-	1116

The books are distributed amongst the prisoners through sub libraries located at various circles.

Local newspapers are available and shared among prisoners in the ratio of 1:20.

Recreational and cultural activities:

These have 2 components. One is the content and the other is the extent of participation. In terms of content it is multi dimensional such as (a) lazim and band (b) sports volleyball, kabadi (c) dance, drama and

music (d) celebration of Independence Day and Republic Day and (e) Yoga, Pranayam and Meditation. In regard to the extent of participation all prisoners are encouraged to participate and they do participate in large number. Such participation also helps to bring out the best of imagination, ingenuity creativity and resourcefulness of the inmates.

Occupational therapy:

Table – XIII shows the nature of industries and daily average number of prisoners employed in each type of industry:-

Table - XIII

S.No.	Name of the Industry	Daily No. of convict prisoners working	Avg. of
1.	Handloom	61	
2.	Powerloom	68	
3.	Painting	06	
4.	Carpentry	59	
5.	Tailoring	80	
6.	Leather work	21	
7.	Bakery	04	
8.	Smithy	43	
9.	Laundry	12	
10.	Paper factory	60	
11.	Braille	04	
12.	Press	00	
13.	Washing Centre	02	

Table – XIV indicates the number and category of workers and wages earned by them:-

Table - XIV

S.No.	Designation	No. of Prisoners working	Wages (Piece rate)
1.	Unskilled	110	Rs. 12.75
2.	Semiskilled workers	193	Rs. 17.00
3.	Skilled workers	112	Rs. 25.50

Custodial death:

Table – XV indicates the annual statement of deaths for the last 3 years and the breakup between natural and unnatural deaths:-

Table - XV

Year	No. of deaths	Natural	Unnatural	Remarks
2005	22	20	02	Of the 2 unnatural deaths, one is death by suicide (hanging) and another a case of murder.
2006	26	24	02	Both the unnatural deaths are on account of suicide (hanging)
2007	22	20	02	Both the unnatural deaths are on account of suicide (hanging)

All the 5 deaths in 2008 (upto 30.6.2008) are natural deaths.

Since unnatural deaths on account of suicide (by hanging) have been quite common and are being repeated year after year it is necessary and desirable that the following preventive measures are taken by prison administration:-

- Mentally unstable and depressed prisoners escape to a lonely spot unnoticed and commit suicide by hanging

themselves with the help of a rope/towel from a tree. It is imperative that 24 hours vigilance and surveillance be kept over such mentally disturbed and depressed prisoners so that they do not get an opportunity to sneak into a dark and lonely corner to commit suicides;

- Such mentally unstable and depressed patients should receive the best of medical attention from the psychiatrists of RMH, Pune;
- All parts of the hospital should be floodlighted so that no dark and lonely corner could provide scope for committing suicides;
- Ceiling fans should be kept at sufficient height which would be unreachable even for a tall person;
- Loose towels, bedsheets etc. should not be left with prisoners with suicidal tendencies.

Interaction with condemned prisoners (3)

I spent considerable time in talking to the 3 condemned prisoners outside their cell to enquire about their health and safety. The pith and substance of what transpired in course of this interaction are:-

- they are unhappy about the manner in which their cells have been changed;
- they are concerned about the high handed manner in which they are being treated so far;
- they have filed petitions in various courts which are subjudice;
- they had no complaint about the quality of food served to them and appeared to be healthy.

I have conveyed their concerns, their fears and trepidations to the Supdt. for necessary preventive and corrective action.

Escape from prison:

Table – XVI presents last 3 years break up of cases of escape from the prisoner:-

Year	Escape from Police Escort		Escape from Prison	Police arrested and readmitted in Prison
	Undertrial	Convict		
2005	-	-	Nil	-
2006	06	02	Nil	04
2007	04	00	Nil	01
2008 (upto 21.7.08)	01	00	Nil	00

System of parole and furlough:

All applications for parole and furlough are sent to the Divisional Commissioner and DIG of the Range respectively. The bonafides of the applicant and genuiness of the grounds for parole and furlough are verified by the SP and a report sent to DM. The DM forwards the same with his comments to the Divisional Commissioner and DIG, as the case may be, for necessary action.

So far no problem has been encountered in grant of parole and furlough.

System of interviews with family members and lawyers:

The facility for interview for UTPs is provided once a week and for convicted prisoners once a month. A new hall has been constructed for this purpose so that the prisoners can talk freely to their relatives. On an average 200 to 250 interviews take place everyday.

Involvement of NGOs:

This has the following implications:-

- Identification of activities inside the prison for promoting health, safety and welfare of workers for which governmental initiatives need supplementation and complementation by NGOs;
- Identification of good, reliable and committed NGOs who have the urge, inclination professional experience and expertise in taking up a few such activities inside the prison which need supplementation;
- Encouraging such NGOs and creating a climate or environment for them through which they can contribute their very best.

Against this perspective, the prison administration of Central Prison, Yerwada has succeeded in enlisting the involvement and support of the following NGOs in a variety of activities for the welfare and rehabilitation of prisoners.

I Art of living Foundation of Shri Sri Ravi Shankar of Bangalore:-

The inmates who participated in the activities of this nationally and internationally acclaimed NGO were taught yoga, pranayam, sudarshan kriya and benefited immensely both physically and mentally; their stress and strain were substantially reduced.

II Freedom Foundation Organization:-

The NGO has assisted in rehabilitation of released prisoners. It is also conducting educational and cultural programmes beneficial to female prisoners.

III Cross roads Prison Ministry:

The NGO teaches moral values centering round good conduct and behaviour. They also provide medical aid and take initiative in establishing a good relationship between the inmates and their family members. They provide legal aid, counselling and rehabilitation.

IV Navjeevan Mandal:

The NGO assists in the rehabilitation of released female prisoners. It also conducts educational and cultural programmes beneficial to female prisoners.

V Prajapita Brahmakumari Vidyalaya, Pune

The NGO teaches Raja Yoga and good thoughts on social and moral values.

VI Sri Sadguru Aniruddha Bapu Trust, Mumbai (Pune branch)

The NGO conducts sessions on moral values propagated by Aniruddha Bapu.

VII Maharashtra Fellowship Prison Ministry (Pune Branch)

The NGO conducts religious prayer meetings for Christian inmates and to those who willingly attend the programmes.

VIII Chaitanya Laughing Club, Pune

The NGO teaches yoga, pranayam and laughing skills to inmates as a means for reducing physical and mental stress.

IX Gujarat Hindu Prachar Samiti, Gujarat University, Ahmedabad:

The NGO conducts examinations on Gandhijee's thoughts every year on his birthday on 2nd October and in 2007-08, 17 prisoners took this examination.

X Seva Dham Sanstha

The NGO conducts vocational skill training programmes (beauty parlour and mehendi courses) for female prisoners.

Yerwada Open District Prison:

The Central objective of an open prison is to save lifers and long term prisoners from the pernicious effects of prisonization and continuous exposure to the criminal culture of closed prisons. An open prison rests on the following principles:-

- selectivity i.e. prisoners who will be the inmates of an open prison will be selected on the criterion of good conduct and behaviour;
- openness i.e. there will be no boundaries to be drawn to demarcate the area of the open prison and to restrict the movement of the inmates, there will be no traditional walls;
- an atmosphere of opportunities is created for education, vocational training and self discipline;
- self confidence, self regulation, self reliance and self efficacy will be the primary tools of rehabilitation of prisoners in society after release.

The first open institution at Yerwada was started as an annexe of the Central Prison in 1956 for development of a new correctional approach. The current staffing pattern for the open prison is as under:-

Table - XVII

S.No.	Designation	No. of Posts	Total
1.	Superintendent	1	1
2.	Senior Jailor, Gr.I	1	1
3.	Jailor Grade II	2	2

4.	Senior Clerk	1	1
5.	Junior Clerk	2	2
6.	Subedar	1	1
7.	Hawaldar	3	3
8.	Jail Guard	6	6
9.	Jail Guard-cum-driver	1	1
10.	Textile Foreman	1	1
11.	Jobber	1	1
12.	Warden	1	1

In addition to the above, 30 posts of uniform holders (Class III) and one post of Agriculture Assistant for Agriculture Section is deputed from Yerwada Central Prison on temporary basis for security, administration and vocational training of prisoners of the open prison.

Procedure for selection of convicts for open prison:

Only such prisoners who are physically strong and stout, who can adequately respond to a programme based on trust and confidence, of good character and conduct and a high sense of responsibility are selected for admission to the open prison. Once selected, these convicts should willingly work in the agriculture farm, factory and other forms of hard manual labour. Once selected they are required to comply with all rules and regulations of the open prison and inculcate in them fully the self-discipline which comes from within. Ordinarily such prisoners who have been sentenced to life imprisonment and who have completed minimum 5 years of his sentence excluding remissions in closed prison are eligible for selection in open prison.

System of remission in the open prison

A convict undergoing life sentence in the open prison is granted remission for a day i.e. 30 days remission for a month. Convicts

sentenced for less than 10 years are granted 20 days remission for a month. For good conduct and behaviour they are granted a further 30 days remission per year. In other words, admission to open prison facilitates the process of early release from prison subject to good conduct and behaviour.

Authorized convict capacity:

The authorized convict capacity of the prison is 172. However, the present convict strength is 245 which is in excess of the capacity. They are being accommodated in 4 barracks and one factory godown shade.

Right to food:

Prisoners in the open prison get diet in a higher scale as compared to inmates in a closed prison. The scales of diet for these prisoners are as under:-

Scale of diet

Table – XVII

S.No.	Components of diet	Scale	Remarks
1.	Ready made tea	0-0.75 ml	Everyday morning
2.	Wheat, jower flour	0-550 gm	As per availability
3.	Rice	0-150 gm	Everyday
4.	Pulses	0-120 gm	Everyday excluding Sunday
5.	Vegetables	0-200 gm	Everyday
6.	Gur	0-.40 gm	Only on Sunday
7.	Vegetable Ghee	0-.20 gm	Only on Sunday
8.	Gram Flour	0-.30 gm	Only on Sunday
9.	Onions	0-55 gm	Everyday
10.	Sweet oil	0-.20 gm	Everyday
11.	Salt	0-.10 gm	Everyday

12.	Condiments	0-.10 gm	Everyday
13.	Tamarind	0-.5 gm	Everyday
14.	Banana	1 No.	Everyday
15.	Fresh condiments	0-.5 gm	Everyday
16.	Milk	0-100 ml	Everyday

Unlike in a closed prison there is no separate cook for preparing food for the inmates of the open prison. The latter prepare their own food in the kitchen every day and apart from making them learn the art of cooking and instilling in them the confidence that they can cook it imparts a sense of participation and learning to do things (cooking, serving) together with a team spirit. As the prison opens, ready tea, milk and breakfast are served in the morning. Lunch is served at 11.30 AM while dinner is served at 5 PM. The entire process starting with weighment of foodgrains as they are issued from the Central Store to the kitchen store, tasting the quality of food prepared and serving food with a human touch is over seen by the jail staff.

Right to health:

A medical officer from the Central Prison regularly and the Chief Medical Officer periodically visit the open prison and undertake medical check up of the inmates; they also prescribe the line of treatment and dispense the medicines. Depending on the nature of ailment prisoners are admitted as indoor patients in the Central Prison while depending on need, cases of more serious patients are referred to Sasoon General Hospital, Pune for further expert opinion and treatment. Simultaneously specialized health check up of inmates in relation to their eye, ear, nose, throat, skin and teeth is also undertaken by doctors from NGOs and other Institutes.

Right to education:

On the principle of 'Each one teach one' all unlettered inmates are being taught to read and write with the help of literate ones. Such classes are being conducted in the barracks at night. Distance learning through open learning mode for higher education is also being promoted.

Right to work:

With installation of 55 power looms the factory section started in the open prison in 1987. Currently 53 power looms are operational. All terricot suiting, mosquito net cloth; hospital cloth, gauge and bandage are being manufactured. Banians for use of inmates are also being made through 3 number of hosiery machines. In all about 100 inmates are working in 2 shifts as per requirement. Additionally in the power loom section there is one high speed section warping machine, one folding machine, one cone winding machine and 4 pen winding machines have been installed in the factory section.

The last 5 year's output from the powerloom section is as under:-

S.No.	Year	Production (Rs.)
1.	2002-03	9093463.25
2.	2003-04	34024408.40
3.	2004-05	19188373.50
4.	2005-06	15630968.50
5.	2006-07	9800831.20

The table indicates that over the years output from the powerloom section has been progressively on the increase.

Other productive and worthwhile activities:

I Agriculture and Vegetable Production

The prison has 192 hectares of total land area of which 5 hectare area is irrigated (with the help of 5 dugwells), 110 hectare area is for tree plantation (vanikaran) and unagricultural land is 53 hectares. The irrigated land is being used for production of rice, wheat, tur, moong, soyabean etc. It is also being used for growing vegetables and on an average a total of 500 kg of vegetables are being supplied to Yerwada Central prison and other Central Prisons located at Mumbai and Thane as also district prisons at Kalyan and Bhaikala. The break up of last 5 years of food grains and vegetables production is as under:-

Table – XX

S.No.	Year	Production Value (in Rupees)
1.	1.4.2002 to 31.3.2003	1090825.00
2.	1.4.03 to 31.3.04	1541442.00
3.	1.4.04 to 31.3.05	1474386.00
4.	1.4.05 to 31.3.06	1422738.00
5.	1.4.06 to 31.3.07	1671000.00

II Fruit and flower plantation:

The details of area covered under plantation are as under:-

Lime	-	100 trees
Pomegranate	-	25 trees
Shewaga	-	25 trees
Custard apple	-	80 trees
Awala	-	100 trees
Mango	-	50 trees.

Additionally varieties of seasonal flower trees are being planted.

III Fertilizer from earthworm project:

There is a project for natural fertilization of land which yields 130 to 150 bags (50 kg per bag) of fertilizer every month. Additionally 50 to 80 bags of fertilizer are also produced from earthworm.

IV Fisheries Project:

Fish production has started since last 2 years.

V Sita Ashok Plantation:

8500 medical trees have been planted since August, 2007 spread over an area of 17 hectares.

Executive Summary of impressions, observations, conclusions and recommendations:

- Yerwada Central Prison which is 137 years old is a national heritage site as Bapu, the Father of the Nation, Pandit Motilal Nehru, Pandit Jawahar Lal Nehru, Lokmanya Balgangadhar Tilak, Sardar Vallabhbhai Patel, Smt. Sarojini Naidu, Netajee Subhash Chandra Bose and many other distinguished freedom fighters were lodged in the cells of the prison in 30s and 40s.
- The areas surrounding the prison have grown along with the growth of Pune city but inside the prison contained in 65 acres an impassioned observer comes across an environment (roads, barracks and cells etc.) which has been kept immaculately neat and tidy which is also full of greenery (due to trees which have grown over the years and which provide a cool shade). The entrance to the prison is marked by 2 paintings made by a convict – Rahul More which symbolize 2 important concepts i.e. unity and integrity of India, unity amidst diversity and how the inhabitants of the planet have built it bit by bit by their 'blood, sweat and tears' like a bird building a nest with unremitting efforts.

4/2/2009

- The Superintendent's room is reasonably large in size well lighted and ventilated with a number of board which provide a good introduction and insight into the prison manpower, categories of prisoners and activities performed.
- Even though the building is fairly old, there has not been any major problem on account of repairs and maintenance. This is on account of the good quality stones with which the building has been built and good workmanship.
- There are 77 vacancies in various categories of custodial staff. This, however, has not affected the operational efficiency of the prison and the Superintendent claims that he has been able to achieve more efficiency with less manpower.
- The scales of pay and allowances from the Superintendent down below were found to be quite low. This could eventually affect the morale and motivation of the staff. This will be compounded further by the fact that Staff quarters have not been provided for all the officers and staff (557). There is need for construction of 87 additional quarters.
- Human Resource Development (HRD) through orientation and training needs to be strengthened. There is a training college for training of Superintendents, jailor, sub jailors, prison guards etc. located in close proximity of the Central Prison. The curriculum and course content for training is heavily theoretical with limited scope for application by practical work. The library is poorly equipped and is hardly being used. There is no reading room. Even cataloguing has not been computerized.
- There is urgent and imperative need for conducting mock training sessions on a host of issues related to prison management, camp courts inside the jail and teleconferencing.

- One child (a girl) above the age of 6 years has been kept inside the prison which is against the spirit of the judgement of the Supreme Court in R.D. Upadhyay Vs. State of A.P. Such a child needs to be sent to a children's home set up under the Juvenile Justice Act, 2006 where her access to education; health, medical care etc. should be fully ensured.
- In all 2118 UTPs have been lodged in the prison of whom 50% would come under the category of offences which warrant minor penalties. These could be easily disposed off if camp Courts could be held inside the prison. For this additional Magistrates are needed. Such Magistrates need to be sanctioned and be in position after receiving necessary orientation and training and be deployed for manning camp courts inside the prison.
- The number of cases under the Probation of Offenders Act, 1958 which is only one in relation to Yerwada Central Prison needs to be augmented. This could be one of the ways of expediting disposal of cases of UTPs.
- Pace of construction of new jail buildings and that of additional barracks to accommodate additional prisoners need to be accelerated. This will reduce congestion and overcrowding inside the Yerwada Prison.
- Bail has been granted in 131 cases of UTPs but they could not be released as no sureties were available.
- Going by the spirit of judgement of the apex Court in Hussainara Khatoon Vs. State of Bihar in all such cases the UTPs could be released on a personal bond in the absence of sureties.
- Such cases need to be reviewed in the monthly Police Magistracy Coordination Committee meeting.

- In all 241 cases of appeals are pending in the High Court and some of them are pending for more than 7 years. This issue needs to be taken up by the Home Secretary of the State Government with the Registrar of High Court.
- The Governor and Chief Minister may also informally bring such matters to the notice of the Honb'le Chief Justice of the High Court in course of their informal meetings at the Raj Bhavan.
- In regard to simplifying the procedure for expediting cases for premature release of convict prisoners, the following suggestions are made:-
 - Cases of the elderly who are in their 70s and 80s, who do not pose any threat to the society or to public order may be reviewed with empathy and sensitivity;
 - The meetings of the Advisory Board need to be held at more frequent intervals than now;
 - Such meetings may occasionally be held inside the Prison Premises;
 - The SP should expedite his scrutiny reports to DM.
- The following improvements are suggested in the Central Kitchen and in ensuring right to food:-
 - A chimney as an outlet for the smoke to go out should be provided;
 - Sufficient number of exhaust fans should be installed;
 - Fly proof automatic closing doors should be fitted;
 - A platform should be raised for washing, cleaning and cutting vegetables;

- The scales of diet should correspond to the kilo calorie prescribed by ICMR separately for women and men (2500 in the minimum for women and 3000 in the minimum for men) for working women and men, the scales would be much higher;
 - Food after being cooked should be stored in a stainless steel container to keep it hot;
 - Food after being cooked should be transported by a trolley and not manually as now;
 - Stainless steel utensils should be used for cooking as well as for serving food;
 - Dining tables should be installed to serve food to the inmates; it is extremely unhygienic to serve food to the inmates on the floor;
 - The views/suggestions of the inmates should be solicited to improve the quality of food and to serve the same with a humane touch.
- The following suggestions are made to improve access to potable water:-
 - Samples of water should be regularly drawn and sent to an approved PH Laboratory for test and correctives applied to remove deficiencies;
 - Overhead storage tank should be regularly cleaned by using a state of the art technology with mechanized dewatering sludge removal, high pressure cleaning, vaccum cleaning, anti bacterial spray and ultra violet radiation.

- The following suggestions are made to improve sanitation facilities for the inmates:-
 - Arrangement for flushing the toilets must be introduced;
 - Adequate quantity of water should be made available for this purpose;
 - Sufficient number of WCs and urinals in the barracks should be provided;
 - Toilet inmate ratio should be 1:6.
- Arrangements obtaining in Yerwada Central Prison with regard to bath and right of privacy are inadequate and unsatisfactory. Prisoners are taking bath in platforms which is violative of the right of privacy. Cubicles need to be constructed to ensure this right.
- In the absence of mechanized laundry prisoners are required to wash their clothes in open platforms. This leads to water logging and creates an unclean and unhygienic surrounding. To ensure personal hygiene as also cleanliness in the upkeep of linens, towels, bedsheets etc. a mechanized laundry is a must.
- In regard to observance of right to health and medical care there are a number of redeeming features such as:-
 - the prison hospital is located sufficiently away from barracks and cells;
 - the floor is covered with ceramic tiles;
 - there is uninterrupted supply of water and electricity;
 - there is a separate kitchen attached to the hospital with arrangement for proper upkeep and maintenance;

- medical examination of all ailing prisoners is taking place within 24 hours after admission;
 - medical diet including milk and bread is prescribed for all ailing prisoners.
- Interaction with medical officers and ailing prisoners brought out the following grey areas:-
 - there is no proper liaison and coordination in regard to proper treatment of ailing prisoners between authorities of Yerwada Central Jail Hospital and Sasoon Government Hospital;
 - many patients have to wait for a long time due to want of police escort before they could be sent to Sasoon Hospital;
 - many patients are shuttling between the 2 hospitals without any satisfactory treatment;
 - 85 prisoners are psychologically disturbed have been kept in the observation ward and they should be got admitted to Yerwada Regional Mental Health Hospital for proper treatment;
 - 21 prisoners who are afflicted with HIV/AIDs should receive special medical care and attention.
 - In regard to functional literacy programmes for illiterate prisoners (both women and men) a proper curriculum, course content, textual materials should be designed and primer specific training of instructors should be conducted with the help of Indian Institute of Education, Pune and Smt. Chitra Naik, its distinguished Chairperson.

- The following measures are suggested with a view to preventing custodial deaths inside the prison:-
 - There should be twenty four hours vigilance and surveillance over mentally disturbed and depressed prisoners so that they do not get an opportunity to sneak into a dark and lonely corner to commit suicides;
 - All parts of the hospital should be flood lighted so that no dark and lonely corner could provide scope for committing suicides;
 - Ceiling fans should be kept at sufficient height which would be unreachable even for a tall person;
 - Loose towels, bed sheets etc. should not be left with prisoners with suicidal tendencies.

Yerwada district open prison

- The open prison rests on a set of principles which are sound and sensible such as:-
 - prisoners are selected on the criterion of good conduct and behaviour;
 - the environment is totally open (no boundaries drawn, no traditional walls etc.);
 - an environment of opportunities of access to education, vocational training and self discipline;
 - inculcating the tenets of self confidence, self regulation, self reliance and self efficacy into the inmates.

- The Yerwada Open prison fulfils all these and its working over a period of more than 50 years has demonstrated the following:-
 - prisoners are strong and stout, hale and hearty;
 - they respond to programmes introduced for them with a lot of enthusiasm and zeal, trust and confidence;
 - they have demonstrated a high sense of responsibility in conducting themselves on a day to day basis;
 - admission to open prison has facilitated the process of early release from prison;
 - food served to prisoners is as per scale and calorie intake, there is a lot of excitement and joy in the process of inmates preparing and serving their own food; it imparts a new skill as also ensures a sense of participation;
 - arrangements for check up of health are satisfactory;
 - unlettered prisoners are being provided the opportunity to learn; functional adult literacy programmes are being run on the principle of 'each one teach one';
 - through exercise of the right to work (55 powerlooms) and production of terricot suiting, mosquito net cloth, hospital cloth, gauge and bandage, banians for use of inmates, the inmates have contributed significantly to make the hospital self sufficient.
 - They have made similar significant contribution in production of foodgrains (including vegetables and fruits) and in making the hospital self reliant in the area of food security.
