

REPORT OF THIRU S. RAMANI, IPS (RETD), SPECIAL RAPPORTEUR, CENTRAL WEST ZONE-I, NATIONAL HUMAN RIGHTS COMMISSION, HEADQUARTER AT CHENNAI, ON VISIT TO AQUADA CENTRAL PRISON, GOA AND SUB-JAIL AND JUDICIAL LOCK-UPS AT SADA & VASCO, GOA FROM 10.10.2013 TO 12.10.2013.

1) Introduction: As approved by the Hon'ble National Human Rights Commission I undertook a visit to Goa to look at the Aquada Central Prison and inspect the same from a Human Rights perspective. I was also given the opportunity of visiting the Sub-Jail and Judicial Lock-ups at Sada, Vasco and also the new Modern Jail under construction at Colvale in Bardez taluk, North Goa District..

2) Sub-Jail and Judicial Lock-ups at Sada, Vasco: I visited the Sub-Jail and Judicial Lock-ups, Sada, Vasco on 10.10.2013. Smt. Irene V. Sequeira, Addl. Inspector General of Prisons was present during my visit.

2.1) On my date of visit, there were the following inmates.

		<u>Male</u>	<u>Female</u>
Convict	-	21	8
Remand	-	80	1
U.T.	-	192	17
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Total	-	294	26
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Total	-	<u>320</u>	

2.2) The grouping based on punishment type is as follows:

		<u>Male</u>	<u>Female</u>
Life Imprisonment	-	2	3
Remand/UT	-	275	19
Rig. imprisonment	-	4	3
Simple imprisonment	-	13	1
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Total	-	294	26
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2.3) I am told that the capacity of this Lock-up is 295 and so there is not much of an overcrowding. The Sub-Jail has 17 Cells. Cell Nos. 11 & 12 are used for ladies. The Sub-Jail is being mainly used to house Under Trial Prisoners and persons convicted to less than 2 years of imprisonment.

3) Cleanliness and Hygiene: 3.1) I went round the Sub-Jail and found it generally clean and well maintained and in a satisfactory condition. I also went to the Backery & Craft sections besides the Kitchen and the Dispensary. There is no regular Doctor here but only a trained Male staff nurse. One fully qualified Doctor is absolutely essential and the State Government should immediately appoint one.

3.2) Other facilities here include a Play Ground and I saw some inmates playing foot ball.

3.3) I found the inmates by and large well looked after, particularly considering the fact that this is a Sub-Jail.

3.4) As I mentioned already overcrowding is not a problem. Even so I noticed Cell No. 13 too cramped for no justifiable reason. I am told that this has been earmarked for new admissions. The Cell has a capacity of 20, but 60 persons are locked up in it. When questioned I was told there is no extra Cell for new admissions. I find that it should not be too difficult to relocate the Prisoners in such a way that there is no congestion and one or two extra cells can be made available. It is easy to solve this problem right away. I requested the Addl. Inspector General of Prisons examine the issue.

3.5) The Female Block is separate from the male area and there is enough privacy. I saw some NGOs engaging them in a music session. So also, in the mens' area I saw a similar effort. This is commendable. Such sessions definitely help in reducing the mental stress and give the inmates some relief. I was told that even counseling takes place.

3.6) The Crafts section is nice and the items on display are good. I am told that the items are also being sold to the public and they are fetching a good price. The facility in the Craft section could be improved so that more activity can be taken up and skills developed. Some more useful skills like repairing TVs, wiring, book binding, Cell phone servicing etc. can be introduced so that subsequent rehabilitation of the inmates, in the society at large may be facilitated.

3.7) Every Cell has a TV connection and Fan and the inmates are able to watch TV programs.

3.8) In the Kitchen, cooking was in progress and the arrangement here are satisfactory. The cooking is done in gas stove and the gas cylinder are kept separated. But arrangement for fire fighting in case of emergency by fire are virtually non-existent. As I had also noticed earlier while inspecting Arthur Road Central Prison, Mumbai, the National Building Code has laid down clear guidelines and specifications for Prevention and Fire-fighting in case of an emergency by Fire. It should be adhered to. My humble submission is that the National Human Rights Commission could kindly consider taking an All India view in the matter so that a country-wide effort may be taken up to improve Fire Safety in Prisons. Since the inmates are locked up, casualty can be very large in the event of a major fire. The State Governments may be instructed to constitute

a Group of Experts to study all the Jails, Prisons etc. in the States and to submit a report on how far the recommendations of the National Building Code in this regard have been implemented and to take appropriate action in a time bound manner.

3.9) One good Prison Reform which I noticed here was the computerized Prisons Management System which is called " PRISMS ". It has got all the information about date of admission, wages earned, remission earned, date of release etc. Besides the Bio-data, Bio Metric details are also fed in. I was told that a touch screen kiosk is available, so that the inmates can get all the information about their case without hassle. It is necessary to keep the Data-base always updated and the system well maintained so that there is no break down.

3.10) Complaint boxes are available for Prisoners who want to give petitions and make representations.

4) Representations:

1) Hitler Fernandes – Convict Prisoner says that he has completed 25 years. The Jail Review Board Committee has not yet been convened to consider his case. He wants that the needful may be done. It is necessary to follow the guidelines of the Apex Court and NHRC in this regard.

2) Hungjae Yoo is from Korea. He says he has prostrate cancer and requests to be shifted to Mapusa Judicial Lock-up as his case is being tried by the Hon'ble NDPS Court. He is not able to sit and the long journey to the court is causing him a lot of pain. His condition is really pathetic. It may be considered and some relief given to him so that his suffering is reduced.

3) Prisoner Altab Siddhique complains that when food is being sent to him from his home, it is not being allowed inside. He requests that it may be allowed. Naturally the guidelines in the Prison Manual have to be adhered to.

4) Convict Prisoner Lee Cooper is a Russian National. He has no complaint.

5) Nagappa Sunkad is from Dharwar Karnataka. He does not know the case against him. He says he was sleeping in a Bus-stand. I am sure action will be taken based on the actual facts.

5) Health: 5.1) I brought the attention of the Addl. Inspector General of Prisons and also the Superintendent to the recommendations of the NHRC regarding health screening at the time of admission and the need to maintain the information in Appexdix-II (D.O.letter No.4/7/2010-PRP&P, dated 17.05.2010 from National Human Rights Commission).

5.2) There is a Video Conferencing facility here and I am told that it is being used regularly.

5.3) The sanctioned strength of this Sub-Jail is 1 Superintendent, 1 Asst. Superintendent, 4 Jailors, 6 Asst. Jailors, 6 Head Guards and 60 Jail Guards. There is 1 Matron and there are 2 lady Warders, 3 drivers, 1 staff nurse, 4 LDCs and 3 Peons.

6) Meeting with the Chief Secretary, Govt. of Goa: On 11.10.2013, I met the Chief Secretary to Government of Goa and held discussions about Human Rights issues, particularly in Prisons.

7) Aquada Central Prison, Goa: 7.1) I inspected the Central Prison, Aquada on 11.10.2013. Smt. Irene V. Sequeira, Additional Inspector General of Prisons was present during my visit. Presently the Central Jail, Aquada is functioning in the old Fort constructed, I am told, in the 16th Century and naturally is in a poor state of repairs. It is right on the sea shore and there is no beach separating the fort and the sea. Sea waves almost hit the prison walls relentlessly. Somehow the fort has stood the test of time. But it cannot be trusted any more for its safety in so far as housing a Prison is concerned. In the event of a Tsunami (fortunately so far no such Tsunami has taken place), the rising waves will easily get into the prison and wash away everything. So it is imperative that the prison should move out immediately.

7.2) A new Prison complex is under construction at a place called Colvale in Bardez taluk, North District which is in short distance from this place. The unfortunate part of the matter is that the Prison is under construction for more than two years now. I visited the new Prison complex on 12.10.2013 and found that it has been very ambitiously planned but it is a long way from completion. I am told shortage of funds has slowed down the construction. The authorities here are hopeful that by the middle of the next year they can move into the new Prison. This of course depends on many factors and the Government should spare no effort in getting it completed soon or else there could be a serious problem. I am not very happy with the reasons given for the delay.

7.3) Incidentally during my inspection of the new premises I enquired about the arrangements for fire safety and was told that experts are being consulted and arrangements will be made. When asked what exactly was being done I could not get a clear reply. I pointed out the requirements and mentioned

about the provisions of the National Building Code in regard to fire safety in Prisons. The Government should keep this in mind, before inaugurating the new premises, as a Prison without fire safety, could be a dangerous place.

7.4) The Central Prison under construction in Colvale, Bardez Taluk, North District will have a capacity of 611 inmates including separate enclosures for women inmates. This is adequate.

7.5) The Central Jail at Aquada is manned by the Superintendent and assisted by 1 Assistant Superintendent besides 3 Jailors, 3 Asst. Jailors, 5 Head Guards and 666 Jail Guards besides clerical staff.

7.6) There are 14 Cells in the Aquada Prison including a provision to house female inmates (at present there are no female inmates). As on 11.10.2013 there are 107 Convict prisoners and 3 Under Trial male prisoners here. The Convict prisoners are engaged in Cooking, Carpentry, Handicraft, Tailoring, Candle Making and Paper-bag Manufacturing and they are being paid wages as fixed by the Government. It is reported that the existing rate of wages are Rs.80/- for skilled work, Rs.60/- for semi-skilled work and Rs.50/- for unskilled work. I went round the prison and found it generally spacious. There is no overcrowding really and there is enough space. Being literally at the edge of the sea it is very breezy. But there is problem on account of humidity which affects the health of the Prisoners. Mosquito menace is also there. Besides health, the high humidity has also brought about a host of other problems like maintenance of computers etc.

7.7) The break-up of the 110 inmates are as follows:

1) Lifers	-	58
2) 10 to 15 years	-	11
3) 8 to 10 years	-	20
4) 5 to 8 years	-	11
5) 2 to 5 years	-	6
6) Under Trials	-	3
7) Admitted in hospital	-	1

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7.8) I inspected the tailoring section, carpentry section, paper-bag section and art and picture section, besides candle making unit. It will be better if some more facilities are made to improve the work conditions. The kitchen and the bakery are rather primitive but since the prison will be shifting to the new complex there is no need to do anything else except to maintain the existing facilities in a good condition.

7.9) One interesting feature of the prison is the approach to it from the main road. There is a long path way skirting the prison wall leading to the gate. This path way is not properly enclosed and it is open to the sky as well as on the other two sides. In some portions there is fencing on the side (and that too is damaged) and on the other places there is no fencing at all. In case a prisoner decides to escape while being escorted out, he can run through the open area and there is also a possibility of such an inmate committing suicide by jumping into the sea. When I questioned the authorities about this, they said that the prisoners will be watched by the Guards. But human control can some times

become lax and it is not possible always to guarantee safety by human control alone. So it is necessary to put up a proper fencing and also to provide a canopy so that in the event of rain the prisoners would not get drenched and suffer consequent health problems. In fact one inmate mentioned this to me as a grievance. This warrants immediate attention of the Inspector General of Prisons.

7.10) The staff do not have quarters and they are put up in barracks on a 24 hours duty. Their welfare requirements have to be addressed to the Government.

7.11) There is one doctor in the prison who has got a room and some place for treatment of inmates. But this doctor is not available round the clock. So for quite a long period the prisoners are without any medical assistance.

7.12) I asked if the medical screening is done at the time of admission and whether the proforma prescribed by the National Human Rights Commission by the D.O. letter No.4/7/2010-PRP&P, dated 17.05.2010 is being maintained. Unfortunately it is the old format in Appendix-I that is maintained and they not the revised one. Instructions of the NHRC have to be followed.

7.13) Visits by the Board of Visitors have been taking place and it was proposed in one of the earlier meetings of the Board to have a Dietician so that calorific contents of the food may also be taken into account while preparing meals. The suggestion has not been implemented.

7.14) Every Cell has a Television set with cable connection and the prisoners are able to watch TV programs.

8) Grievances of the Inmates:

1) Dhilip Shetty in Cell No.13 says that he has completed 13 years and his request for release is pending. He wants expeditious action.

2) Rayan Fernandes in Cell No.11 complaints of mosquito menace and related health problems and also that the PRISMS software is mostly out of order and so the inmates are not having information about the period of imprisonment they have already undergone, probable date of release, wages earned etc. This may be looked into.

3) Daniel Yair in Cell No.13 says that he is having a skin problem and wants transfer to his native country. Regarding skin problem I am told that the experts visit the prison and check the inmates. As far as the other request is concerned, I am told it is under consideration.

4) Mariana Desilva in Cell No.3 says that his senior citizen pension is not operative and he is not getting any remittance. His case may be examined with reference to records and action to be taken.

5) Ramnath Viveka in Cell No.3 says that eggs are not available in the canteen and at some stage the matter also went to the notice of the court. No solution has yet been found. This may be once again examined to see if there are any administrative bottleneck.

6) Rajendra Singh in Cell No.16, alleges that he was beaten up some time back. It was reported that there was a mobile phone in his Cell and he had a scuffle with a HIV affected inmate. The matter has however gone to court and is pending in the Goa Bench of Maharashtra High Court.

7) Shiv Singh in Cell No.14 says that he is from Himachal Pradesh and much of the time of his parole is being spent on travel alone and he gets only very little time to be with his family. He says the period of reckoning of parole should be modified so that he is able to get more time to spend with his family.

8) Lalmano Nabip in Cell No.14 requested for retrial of his rape case. This matter has been under examination.

9) Srinivas Wadriar in Cell No.14 complains that he is not able to have any discussion with his lawyer and requests that proper arrangements may be made for a meeting with his lawyer. He also alleged harassment by jail authorities and also that medicines from the doctor are not being given properly. His complaint may be properly looked into and action taken on merits.

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NATIONAL HUMAN RIGHTS COMMISSION

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Letter No. 27/SP/NHRC/CWZ-I/2013, Dated: 16.10.2013

To
The Secretary General,
National Human Rights Commission,
Manav Adhikar Bhawan,
G.P.O.Complex, Block-C, INA,
New Delhi-110023.

Sir,

Sub: Visit to Aquada Central Prison at Goa – Visit Note – sending of –
regarding.

Ref: Letter No.29/2-21/2013-Coord(PO), dated 12.09.2013 from the Joint
Secretary, NHRC, New Delhi addressed to the Chief Secretary to
Government of Goa.

As approved by the Hon'ble Commission, I visited Goa from 10.10.2013 to
12.10.2013, met the Chief Secretary to Government and visited the Aquada Central Prison,
Goa, besides the Judicial Lock-ups at Sada, Vasco. I also inspected the new Prison complex
coming up at Colvale in Bardez taluk, North Goa District.

2) I am sending herewith the Report on my visit to Aquada Central Prison, Goa,
Sub-Jail and Judicial Lock-ups at Sada, Vasco for consideration of the Hon'ble National Human
Rights Commission.

Yours faithfully,

Encl: Visit Note.

(S. RAMANI)