

3

3

REPORT OF THIRU S. RAMANI, IPS (RETD), SPECIAL RAPPORTEUR, CENTRAL WEST ZONE-I, NATIONAL HUMAN RIGHTS COMMISSION, HEADQUARTER AT CHENNAI, ON VISIT TO CENTRAL PRISON, ARTHUR ROAD, MUMBAI ON 26.07.2013 & 27.07.2013.

1) **Introduction:** As approved by the Hon'ble National Human Rights Commission and conveyed to me by Thiru B.S. Nagar, Under Secretary (Coordination), National Human Rights Commission, in his letter No. 16(9)/2013-Coord., dated 10.07.2013, I visited the Central Prison, Arthur Road, Mumbai to have a look at the conditions in the Prison from a human rights perspective and also had a meeting with the Chief Secretary to the Government of Maharashtra.

2) **Meeting with the Chief Secretary:** My meeting with the Chief Secretary was very useful. It may be very helpful if a sensitization programme on the issue of human rights is organized for the benefit of senior officers of the State.

3) **Buildings and Statistics regarding Inmates:**

a) I undertook a visit to Central Prison on 26th and 27th of July 2013. During my visit Shri. Vinod Lokhade, IPS, Special Inspector General of Police, Prisons, Mumbai and Shri. V.D.Burkule, Senior Superintendent of Mumbai Central Prison were present. I am grateful to them for helping me in my task.

b) **Buildings:** Mumbai Central Prison was established in the year 1925-26. It is located on a very busy road, called Arthur Road, and is hemmed on all sides by tall buildings at very close quarters including some high-rise buildings also. Some of the constructions have a bearing on the safety and security. The Prison

department has in appropriate cases taken up the matter with the Municipal Corporation.

c) Statistics of Inmates: The Prison has a sanctioned capacity of 804 prisoners only but the actual strength is 2703 prisoners as on 27.07.2013 and the break up details as follows:

1) Undertrial Prisoners	-	2112
2) 302 IPC Undertrial Prisoners	-	184
3) NDPS Undertrial Prisoners	-	240
4) Detenue Prisoners	-	04
5) Foreigner Prisoners	-	106
6) Convicted Prisoners	-	57
Total	-	2703

It is very obvious that almost three times the sanctioned capacity of prisoners are being held. There are no female inmates in this Prison.

d) Works: I went round the prison campus. There are 11 wards and 15 barracks in the Prison and 44 special cells. Ward No.1 is under redevelopment but the work has been stopped for the past two years for want of funds. If this work is completed then to some extent the congestion in the other blocks can be reduced. It is necessary that the funds are provided urgently for this.

e) Suggestion for New Prison complex: It may be advisable to consider the question of constructing a new Prison with sufficient space and adequate security. I was told that the Mumbai Port Trust has sufficient lands and that it may be possible to get required lands for this purpose. This needs consideration at senior levels.

4) Fire Safety:

a) During my rounds in the blocks I noticed that lights and fans are provided in the cells, which no doubt, to some extent, reduces the hardship faced by the inmates on account of the overcrowding. But the other side of the matter is that it could cause a fire accident on account of electric leakage as the wiring appears very old. This problem needs to be looked into. I also noticed that inside some cells the prisoners are having lamps and the flame was burning. I do not know how such a thing is being allowed. This could be very risky as inflammable materials like cloth etc. which are also in the cells could easily catch fire and also emit dense smoke. The compounding factor is that in case of a fire accident, there is very little chance of putting out the fire quickly, as virtually no fire fighting mechanism is in place. I noticed some fire extinguishers are available near LPG cylinders which are used for cooking and ~~few are also available~~ elsewhere, but that seems to be hardly adequate for a Prison of this magnitude. Further, the approach into the Prison is very narrow and the Mumbai Fire Brigade will find it very difficult for its Fire Tenders to enter the premises. Even if it does manage to enter, there is very little place for the Fire Tenders to move around within the

prison campus and reach the exact spot. It will therefore be very useful if fire hydrants are constructed at suitable points with a Hose-Reel facility so that the fires could be tackled quickly and efficiently. Smokes alarm system should be installed quickly. It would be better to consult the Mumbai Fire Brigade on the issue of fire safety and to implement their recommendations. If this is any indication, it is possible that in other Prisons also, there are risks on account of fire. Therefore, the concerned State Governments and Prison Authorities may be well advised to undertake a similar exercise and do the needful for fire safety. Prison, being a place where inmates are locked up, has to be adequately safeguarded against fire accidents, in keeping with the provisions of the National Building Code. It is also necessary and very important to train the prison staff on elementary fire fighting techniques and first aid, so that loss of life and property can be minimized. State Governments could be requested to look into the matter.

5) Overcrowding – Measures to solve the problem:

a) Overcrowding is very serious problem and has to be tackled early. It was explained to me that the main hurdle is non-availability of escorts to produce the prisoners in the court, some times for several months on end. The police authorities should be instructed to send their escorts regularly. If there is a problem is lack of adequate staff for escort duties, then additional sanction could be sought. Some priority may be given in the case of courts where the problem is

30

really acute. In a situation of scarcity of staff, a time table can be thought of, so that nobody's case gets lost sight of.

b) Having said that, there are a few other things that can also be done to reduce the congestion immediately. For instance the building under construction which has been stopped midway for the past few years, can be completed quickly so that more room is made available.

c) It has been reported that nearly 10% of the present strength of the undertrial prisoners are unable to arrange for sureties. If this problem is somehow solved by the concerned authorities, then those who have got bail could atleast go. It has been further reported that some 3% of the inmates who got bail could not be released as they are unable to furnish bail amount which is reported to be high. If this problem is also addressed then some more decongestion can take place.

d) There is a Video Conferencing facility in the Prison, but inspite of that, the congestion is still there. Why is it still the case may be examined and something may be done so that the video conferencing facility provides some relief.

e) During my interactions, the Chief Secretary told me that perhaps some of the smaller Jails which have less crowd may be considered for upgradation. It will be good if prisoners do not have to be escorted over long

distances. This point may be examined. Relocation of the inmates according to the proximity of the courts can be thought of.

6) Health:

a) Health is an important issue here. There is a medical facility and I also spoke to the doctors. There are 7 patients suffering from TB and undergoing treatment. Many inmates complained of skin infection on account of coming into physical contact with fellow prisoners when sleeping, leading to the infections spreading to many other inmates. The doctor in turn told me the medicines given are not taken regularly. So there is need for vigil on the health of inmates. I would recommend more frequent visits by the senior doctors, particularly skin specialists, who could perhaps suggest a better line of treatment.

b) One inmate complained to me that the medicine brought by his daughter was not allowed inside. This person has a heart condition. His case deserves to be properly examined so that the required medicines are given to him.

c) One more inmate complained of urinary infection and a severe burning sensation. His problem may be attended to.

d) The Doctor who was present told me that the hospital in the Prison needs some more facilities for giving better treatment. A full proposal may be obtained and forwarded to the Government.

e) It was also told to me there are no regular visits by the senior doctors to the prison. Senior doctors could visit the Prison periodically so that timely measures are taken for the health of the inmates.

f) There are two mentally ill patients and very soon are to be shifted to a hospital. There are three physically challenged prisoners and their needs are being attended to.

g) TB patients are lying on the floor and they did not have cots for want of space. If more space can be found then cots can be provided. It does not help if a sick person is to lie on the floor, particularly in the rainy conditions, when it is damp everywhere.

7) Hygiene and Sanitation:

a) Drinking water is available but there is a need to check the drinking water periodically, for contamination and so on so that water borne diseases are not carried over to the inmates. It will be desirable to put in place some water purification system.

b) I went round the cooking facility. I also tasted the food to be served. Some improvements can be thought of.

c) I was informed that earlier on some funds were provided for undertaking minor repairs such as leakages in pipes and attending to other minor faults. It is no more the case now. Specific sanction for attending to

repairs is at present necessary. The importance of attending into minor repairs then and there can not be over stressed. So it may be good, if the old system is reintroduced and some small provision is made for this, so that urgent repairs are not delayed.

d) To some extent, outsourcing of things like cleaning and cooking can be considered so that the issue of rodents and cockroaches can be solved. Right now this is a health issue. Professional cleaners could be approached for proper fumigation and disinfection particularly as there is overcrowding in the Prison.

8) Staff Welfare and staff strength:

a) It is important to take the welfare of prison staff into account and their needs addressed, so that they are in a proper frame of mind to deal with the prisoners in a humane manner.

b) I visited the prison staff quarters which is just next door and found the accommodation is very inadequate. One category of staff has just one room and a total area is also very small. There is sufficient land available in the residential complex itself. The existing land can be used for constructing bigger and better quarters so that the living conditions of the prison staff are a little more comfortable. This matter deserves ~~sympathetic~~ and urgent consideration. Yardsticks, if any, in this regard, can be considered for upward revision.

3

c) I was informed that the sanctioned staff strength of the Prison is 216 and there is a shortage of 25 persons. Further this staff strength itself was sanctioned for a total of 804 inmates. Since at any given point there are more than twice or even thrice this number of inmates, some upward revision of the staff strength may be considered.

9) Skill Development:

a) The inmates are given training in plumbing, wiring and electrical jobs, mobile phone repairs and computers. There could be other areas also like, computer repairs, TV repairs, painting, bakery, automobile repairs, book binding etc. which can also be considered for imparting of skills, so that the rehabilitation of the prisoners later on can be enabled and they can become useful members of the society later.

10) Grievance Redressal – Requests to me by the inmates:

a) I was informed that a method is in place for hearing grievances and addressing the issues of the inmates on a regular basis. If need be, more complaint boxes can be kept so that the inmates can make their representations and drop a letter in the box for consideration by the jail authorities.

b) The details of the prisoners who were met by me and requests made by them are given in the statement below.

Sl.No.	UT No.	Name of Prisoner	Requests by the inmates
1.	32	Abdul Samad Samsher Khan	These two accused have been granted Bail in the Malegaon blast case. They want to be released on bail or else to have day-to-day hearings to finalise the case at the earliest.
2.	6064	Sachin Maruti Mali	All inmates of the Prison should be provided with quality filtered (Aquaguard) water for drinking purpose.
3.	C-7707	Devidas Sangaram Sakpal	Has got life imprisonment. Requests to be sent to Taloja.
4.	52	Mohammed Sharriif Shabbir Ahmad	Request to have the case conducted on day-to-day basis, or else released on bail.
5.	12710	Rakesh Rammilan Yadav	Irregular availability of Guards to escort to Court, due to shortage of guards in Police HQ, Mumbai.
6.	6423	Dinesh Narbahadur Doli	Irregular availability of Guards to escort to Court, due to shortage of guards in Police HQ, Mumbai.
7.	305	Shaukatali Idrish Miya Rayn	Has skin problem and needs medical aid.
8.	2601	Pravin Ram Rao Sonume	Has skin problem and needs medical aid
9.	6603	Niya Waris Ahmad Shaikh	Has skin problem and needs medical aid
10.	3793	Krishna Dnyaneswar Satputi	Has a head injury and would like to be taken to J.J.Hospital for further medical treatment.
11.	5634	Rupchand Arun Shaikh	Irregular availability of Guards to escort to Court, due to shortage of guards in Police HQ, Mumbai.

12.	1052	Arif Gulam Shah	Irregular availability of Guards to escort to Court, due to shortage of guards in Police HQ, Mumbai.
13.	5539	Ramnarayan Kalicharan Devandran	Irregular availability of Guards to escort to Court, due to shortage of guards in Police HQ, Mumbai.
14.	1160	Sayyed Rashid Shaukat Hussain	Needs medical aid.
15.	7486	Sunil Ramdev Shah	Asks for treatment at J.J.Hospital.
16.	7687	Akhtar Abdul Quyam Khan	Needs medical aid.
17.	1517	Babloo Kurshid Shaikh	Needs medical aid.
18.	8648	Iqbal Ibrahim Furniturewalla	Requires Medicine and treatment for a heart condition
19.	9296	Rizwan Gulam Rasool	Needs medical aid
20.	7542	Hanif Aziz Sayeed	Irregular availability of Guards to escort to Court, due to shortage of guards in Police HQ, Mumbai.
21.	1454	Abdul Karim Khudhabhaksh Shaikh	Irregular availability of Guards to escort to Court, due to shortage of guards in Police HQ, Mumbai.
22.	7690	Shahnawaz @ Shanu Mohd Aslamkhan	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.
23.	6178	Shakil Naeem Shah Mohd Shaikh	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.
24.	5938	Salman Salim Khan	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.

49.	7745	Devdas Parshuram Jadhav	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.
50.	7040	Amjad Nazir Ahmed Dongre	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.
51.	5916	Raju Shankar Thakur	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.
52.	7073	Krushna Mohan Awhad	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.
53.	8654	Dinesh Erappa Kamani	Complained of non-production of the prisoner for want of police escort from Police HQ, Mumbai.

These requests may be examined sympathetically and the needful as per rules may be done.

c) I saw atleast one inmate who looked like a boy, but was told that he is more than 18 years old. I was also told that there are a few others also and that their cases have been checked and their ages verified and that no inmate is under 18 years. It is necessary to ensure that no one who is a child is brought to Prison where adult offenders are kept as per the Juvenile Justice (Care & Protection) Act. The real problem is that in many cases there is no proper proof of age. It is necessary that in the long run, a solution is found to this problem on a national level and everyone has a birth certificate or some proof of age. If the system of compulsory schooling for all children and registration of all births is effectively implemented, then this problem can be overcome.

29

11) Implementation of earlier recommendations of the NHRC:

a) In an earlier visit to the prison by National Human Rights Commission, it was suggested that Mulakat time may be fixed over phone so that people need not come personally and wait for longer hours. This suggestion is yet to be implemented. I visited the space where the prisoners meet their family members and friends and I found it very noisy and one can hardly hear each other and the visibility is also very much reduced. Some improvements in this regard, using technological innovations can be attempted so as to reduce the hardship.

b) In one of the recommendations made at a national seminar on "Prison Reforms" held at New Delhi on 15.4.2011 and organized by the National Human Rights Commission, it was recommended that the family members may be allowed to meet the prisoners on Sundays so that they do not have to take a day off. This also can be taken up for consideration. There was another suggestion in the same seminar that the closing time of the prisoners may be increased to allow them to spend some more time in the open. This also deserves sympathetic consideration.

c) I was informed that the Board of visitors has not been constituted by the State Government. If this is indeed the correct position, it may be set right.

d) Health screening of prisoners is done on admission. I saw the Form being used which is similar to the form in Appendix-I of the letter from the Secretary General, National Human Rights Commission addressed to all Chief Secretaries of the States/UTs vide his D.O.letter No. 4/7/2010-PRP&P, dated 17.05.2010. In the same letter a revised format in Appendix-II has also been circulated for use. The revised format for screening of prisoners as per Appendix-II may be followed.

e) WCs, Urinals and washing place was built to cater to a strength of 804 inmates. Now because of the overcrowding this has come under great strain. Something needs to be done about this. A earlier observation of National Human Rights Commission was about some toilets in the cells themselves which affected human dignity (because there are other inmates in the cells) and the inmates do not have the required privacy. If possible the height of the wall inside the cell may be slightly increased or some other suitable arrangements can be made to address this concern.

12) Prison Reforms:

a) The State is still following the old Prison Manual which has not yet been revised. I was informed that the matter is still under consideration. This may kindly be expedited so that the Prison administration is in sync with the modern views on human rights.

27

b) One more suggestion is for a telephone in the Prison for use by the inmates. Technology can be harnessed in such a way that this does not in any way interfere with the prison administration and at the same time provides some relief, atleast in critical cases. A thought can be given to this.

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