

## REPORT ON VISIT TO DISTRICT PRISONS DHULE, MAHARASHTRA ON 19-04-18

-- S. Jalaja, Special Rapporteur, NHRC

**Profiles of the districts** With the approval of the Commission I visited District Prison, Dhule on 19-4-2018. Dhule district is located in the north western region of Maharashtra historically known as Khandesh. With an urban population of 27.8% Dhule district is one of the least urbanized districts ( as against 45.2 % of the State Population). Schedule Castes (SC) constitute 6.2% while Schedule Tribes (ST) were 31.6% of total population in Dhule district. Dhule district is famous for milk and milk products,.

### **Crime profile of the district**

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 3,136 crimes Dhule district stood 251st in all crime records in the country in 2013. The district reported a crime rate of 152.91 compared to National crime rate of 218.67.

### **Jail Profile and history**

In Maharashtra many of the prisons were constructed in pre British or British era. Although Established in 1862, District Jail, Dhule is one of the oldest prisons in Maharashtra. Acharya Vinobha Bhave (1932) and freedom fighters like Jamnal Bajaj (1932) were lodged in this jail. Remnants of the old jail, including its facade, are still standing. The old prison comprises of a two storied building housing Administrative offices, the Women's barrack, and the Dhobi Tat. New buildings were constructed by the British in 1902 that included the New barrack, Tapovan block, the Hospital section and the gallows (not in use now).

### **Land and infrastructure**

The prison is spread over an area of 55.29 Ha with a built up area of 6.12 Ha. Agriculture area constitutes 12.25 Ha. Staff quarters and parade grounds occupy an area of 12.22 Ha.

Present infrastructure comprises of the office buildings, female enclosure with 04 barracks and a recreational hall, an old barrack which was once used by Vinobhaji and is now kept as a memorial, and 04 new barracks for male prisoners. In Tapovan Section male prisoners are lodged in 03 barracks. Hospital section

occupies 03 barracks; another 12 separate barracks are also available. the remaining infrastructure comprise s of factory work sheds, Educational Section and a kitchen. The building are very old but maintenance has been carried out from time to time.

### **Manpower**

According to approved staffing pattern for the prison, the jail has a sanctioned strength of 127 personnel, but the actual strength reported was only 93, with 34 vacancies. Out of two posts of Superintendent Central (C-1 grade) one post is filled up; the other is vacant. 02 posts of Jailor Class 1 are filled up whereas out of 04 posts of Class 11 Jailor, 02 are vacant.

Among the medical staff posts of Medical officer and Pharmacist have been filled up. But single post of Nursing Orderly is vacant. Among the administrative staff both posts of Senior Clerk are vacant, but all 06 posts of Clerk are filled up..

### **Jail capacity and occupancy**

As of 15-4-2018, against a sanctioned capacity of 294 prisoners (M-285 M; F-09) , 275 ( M-259; F-16) prisoners are lodged in this prison. Only one child is staying with its grandmother.

### **Category-wise details of prisoners**

Out of 275 prisoners, 44 are convicts ( all male). 28 prisoners are undergoing Rigorous Imprisonment (RI-all male) and 11 prisoners Simple imprisonment (SI-all male). There are no civil prisoners or *detenués*.05 MOCCA and 03 NDPS (all male) are lodged here. 231 are under trial prisoners. Convicted and under trial/remand prisoners are segregated, lodged in separate wards.

**Under-trial Prisoners** Unlike in other jails visited, under trial prisoners constitute about 84 % ( T-231; M-215 and F-16 ) of the prison's population. As per data provided by the prison administration regarding length of stay of under trial prisoners 02 under trials have spent more than 07 years; 01 prisoner 06 years; 03 prisoners more than 05 years; 07 prisoners more than 04 years and 17 prisoners more than 03 years.45 prisoners each are in jail since 2016 and 2017.

On a detailed analysis it is seen that 02 prisoners namely Gautam Uttam Kuwar u/s 307 and other sec) and Promod Shitaram Mahire (u/s 394/324 other sec.IPC)

are in jail since 2010. Babu Ankush Borse (u/s 302 and other sec. IPC) has spent more than 06 years in jail. Govind Narayan Ghule (u/s 376 /323/504 IPC/POCSO/) and Sandeep Ganesh Patil ( U/s 302 IPC) are in jail since 2013.

As per reports, physical production of under trials in court is affected due to non availability of police escort on time. During the months of January, 2018 only 48.21% of under trials could be produced before courts; in February it came down to 39.225; in March it went up to 47.24%. Further 133 prisoners were produced before courts through Video-conferencing facility in January, 2018; 126 were produced in February and 163 in March, 2018. could be produced before courts.

#### **Extremist prisoners**

It is learned that no extremist prisoners are lodged in this jail.

#### **Young prisoners**

Convicted prisoners between the age of 18-23 are admitted even from other prisons so as to provide them educational/vocational training together. On completion of 23 years of age, they are transferred to the nearest central jail for completing their sentences. At present 30 such prisoners are lodged in this jail.

#### **Mentally ill prisoners**

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. 02 male prisoners and 01 female prisoners were identified as suffering from Schizophrenia. The mentally ill are seen lodged in a separate ward. There is no such arrangement for female prisoners. The mentally ill are said to be under treatment of a Psychiatrist from SBH Govt. Medical College and Hospital.

Periodic screening of both male *and female* prisoners ought to be conducted with the help of *reputed mental health institutions*. Prisoners who are seriously ill ought to be shifted to regular mental care institutions for proper care, as per NHRC Guidelines.

#### **Condition of prisoners.**

Male prisoners are housed in two sets of barracks-Tapovan barracks and New barracks. Tapovan section has 03 barracks, each barrack has a sanctioned capacity of 40 prisoners. 08 toilets, 04 urinals are provided for the use of prisoners. For bathing 02 platforms are available.

New barracks have altogether 04 barracks each with a capacity of 40 each. 32 toilets and 02 bathing platforms are available for the use of prisoners. According to prison administration 83.61 sq. m of space is available for each prisoner, as prescribed in the jail Manual. For sleeping also minimum prescribed area is available.

I went around the different blocks and had interactions with some of the inmates. General ward which I visited had a capacity of 50. Barracks had adequate space. They had sufficient number of windows and were well ventilated. The maintenance of wards was good. Lights and fans were in working condition. Cage toilets were kept clean. Water was available in the toilets. Prisoners were seen provided necessities as well as articles of daily use.

I spoke to some of the prisoners. Sagar Ramesh Chandra Nahar 35 is allegedly involved in an extortion case u/s 384 IPC. He got bail but he is unable to provide security. Hence he continues to remain in the jail. His case ought to be placed before the CJM. Sagar Dileep Patil 36 is a Gram Sevak. He has been booked u/s 408/409/341 of IPC. Jitan Ram 36 has a murder case against him. His wife was murdered and 02 children are with him.

### **Women Prisoners**

The women's enclosure is large and spacious. A female Jailor and other female staff manage the area. Female prisoners are lodged in 04 barracks., which have been renovated. The floor of the ventilated barracks are paved with Kota stones. Besides, a large hall with bars around serves as a recreation room. It is also well ventilated. The entire place is kept clean and neat. Adequate ventilation is available. Lights and fans were in working condition. A TV set has been installed. FM radio services run within the prison are also available. A water purifier (RO) helps the prisoners get safe drinking water.

04 sets each of old and new toilets and two new bathrooms are available. 02 bathrooms and 06 toilets are located outside the barrack for day use. Articles of daily use are being supplied. They also confirmed that sanitary pads are available. A telephone booth is seen set up within the female enclosure.

16 women prisoners are lodged in this jail. Only 01 child of 1 1/2 years is staying with its grandmother. It was stated that special care of pregnant women and children is taken. Special diets are provided; milk and fruits are served. For children toys are available. Educational and recreational facilities are provided to children.

I spoke to some of the prisoners. Shobha Patil 40 is lodged in the jail due to a case u/s 302 filed against her. Her husband is dead and she is left with two children, a girl and boy. Sharda Pawar 30 is allegedly involved in the murder of her neighbor in a murder case. She stated that her husband was also lodged in the same jail. But he is now out on bail. She has three children back at home. Gita Borse 35 is booked in the murder of her husband. Priti Gaikwad 30 along with her brother are in jail in connection with the murder of their neighbor. Sangeeta Patil 26 is also booked in a murder by allegedly burning of her mother-in-law. Jija Bai Bopad has a case against her u/s 302 in connection with the murder of her husband. She has 03 small children at home. Baby Vasave has a case against her u/s 302. Her son in law died in an accident. Her daughter is absconding. Mandakini Valvi 27 was a cook in the MDM. She and a male teacher are booked in connection with the suicide of a lady teacher. Rajayanthi Karmavat 40 and Mumtaz Karmaval 40 are booked under PITA. Amina Sayyeda 55 is allegedly involved in a bride-burning case. She left behind two children. Shobha Shantilal 40 has her grand child with her. Her daughter committed suicide. Her son is in Nandurbar prison. Nalanda Khade 38 and Sangeeta Dalvi are together booked in two cases filed u/s 420. Draupadi Padvi 28 and Leela Bai Mali 30 are allegedly involved in a human trafficking case. It was stated that a Probation Officer regularly visit the jail. For filing complaints 02 complaint boxes have been provided, to be opened by District Judge Dhule.

It is seen that all those who are under trials among women allegedly involved in murder cases are forced to wear green saris. This gives the impression that they

have actually committed the crime. I have already reported the matter to the Commission separately.

50% of the women prisoners are reportedly illiterate. Adult education classes are being run for women prisoners. As no regular teacher is posted, a teacher volunteer is involved in teaching them.

Female prisoners and their children are currently attended to by male doctors. It was, however, stated that regular medical check-ups are carried out by female Gynecologist from Medical College and Hospital, Dhule. There should be provision for posting at least a female Nurse to take care of women prisoners and their children. Directions of the Supreme Court in RD Upadhyay Vs the State of Andhra Pradesh ought to be *fully* implemented In the recreation hall room some women were working with a sewing machine. Women are also reportedly trained in making handicrafts.

### **Video-conferencing**

Video-conferencing (VC) facility is available in the jail. 04 VC units are set up. The system is connected to all courts concerned. On the average 250 prisoners are produced, before the courts through this facility every month.. However, there is need to improve the number and quality of production through VC facility.

**Legal Aid** It was stated that legal aid is being provided to prisoners, especially after admission.. District Legal Services Authority (DLSA) is stated to be active and provides free legal assistance to those who are not able to engage lawyers. A legal aid center is set up within the jail premises. 02 male and 01 woman Advocates from DLSA visit the jail once a week and provide counseling. Free legal aid camps are also organized. Convicted prisoners are provided assistance to file appeals.

### **Lok Adalat**

Institutional arrangements for conducting Lok Adalat are not available in the jail whereas in states like of Tamil Nadu and Telangana it is being efficiently used to reduce under trial population.

### **Sanction of bail**

Two cases of prisoners languishing in jail after getting bail, for want of sureties were reported. These cases should be taken up with the CJM/ Lok Adalat, to explore the possibility of releasing them on personal bonds.

#### Parole/ Furlough/ Remission

It was mentioned that all prisoners are allowed parole and furlough as per rules. Parole is sanctioned by the Divisional Commissioner, on the recommendations of the police and furlough by the DIG. These Rules were amended in 2015 and 2016. It has already been reported to the Commission that introduction of new rules in sanctioning Parole/Furlough has caused considerable difficulties to prisoners.

Different types of remissions are sanctioned including Ordinary Remission, Annual Good conduct Remission, Special Remission and State remission.

#### Custodial Deaths /violence

It is reported by jail authorities that no unnatural custodial deaths were reported in the jail in the last 5-6 years. No deaths were reported due to natural causes. No custodial violence was reported in the jail.

#### Escape of prisoners/jail break

It was stated that no jail break incident has taken place in the jail.

#### Basic amenities

##### Water supply and Sanitation

It was mentioned that water for use of prisoners is supplied from a well available in the prison premises. A pump has been installed. It was stated that water quality is regularly checked. RO system is installed for the supply of safe drinking water to all prisoners, including female prisoners.

As far as sanitation facilities are concerned every barrack has cage toilets for night use and adequate number of toilets for daily use. Water was available in the toilets. Toilets were generally clean and well maintained. Bathing space is also adequate.

##### Power Supply

24 hour power supply is available in the jail. A generator of 05 KV capacity is installed as back up.

### **Food supply**

The jail kitchen is located in an old building which needs to be renovated. But part of the kitchen is renovated. A storage go down is available for stocking food materials. Separate facilities for cooking diet food is also available in the kitchen.. The kitchen has sufficient ventilation. Exhaust fans are fitted on the walls. LPG facility is available. Cooking is done with water supplied by the jail. It was mentioned that water quality is checked every month.

02 batches of convicted and under trial prisoners (08 prisoners in one batch) are working in two shifts in the kitchen. In Maharashtra jails skilled workers are paid Rs.61/-, semi-skilled Rs. 51/- and unskilled Rs.45/-. These rates are too low when compared to Central jail, Palayamkottai, Tirunelveli, wherein skilled workers are paid Rs 200/-per day and unskilled Rs.160/- per day. The wages paid are credited into the accounts maintained by the jail authorities. Regular health check-ups those who work in the prison are carried out

Rice and wheat are supplied by Government. Materials for cooking food are procured through e-tendering. Average cost per prisoner works out to be Rs.40 per day. A Diet Examination Committee has been set up to oversee the quality of food supplied.

### **Education**

The prison has a separate Education section to coordinate activities relating to education. It was claimed by authorities that facilities for education from primary to graduation is available to prisoners. This year with the help of Yashwant Rao Chauhan Open University (YCMOU) a Degree program has been started. 26 prisoners are undergoing courses. The jail is not affiliated with IGNOU. It ought to be in order to provide options to prisoners.

It was reported that out of 02 posts of teachers 01 is vacant at present. Only 70% male and 50% of the women prisoners are reported to be literate. Against 02 sanctioned posts of teachers only one is filled up; the other one is reported to be vacant. A teacher volunteer teaches women prisoners .

Apart from formal education, prisoners are to be trained in social skills and urged to take up good personal habits like personal hygiene, use of library and reading news papers, good communication etc through programs organized by various organizations.

### Health care

A mini jail hospital is available in the jail campus. It is located within a large enclosure. It is currently undergoing renovation. It is spread out in 03 barracks and 12 cells which were well lighted with lights and fans functional. A TV set is provided. The hospital appeared to be clean and well maintained.

The hospital is manned by a Medical Officer (male) and a regular Pharmacist. One constable is trained as a Nursing Orderly. OPD attendance is stated to be around 50 (women 2-3). An isolation ward is set up for keeping patients who have communicable diseases. Jail lab is not available. X-ray and other facilities too are not available. Emergency cases are referred to Medical College Hospital, Dhule. An ambulance is available with the jail.

At present no pregnant and lactating women are admitted in the jail. It was stated that vaccination is provided to them when they are admitted..

Among the diseases, skin problems are reported. No case of malaria or TB has been detected. 01 case of Hepatitis is identified. No testing facilities are available for HIV/AIDs. Prisoners are referred to IRIC centers.

Medical camps are stated to be organized in the prison with the help of NGOs. Camps for treating skin problems are organized with the help of Charitable Commission. Eye camps are regularly organized with the help of NGOs Sharda Netralaya and Jawahar Medical Foundation. 313 prisoners underwent screening in these camps.

No AYUSH facilities are seen provided.

### PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (coin box) are available in the prison. However, the facilities are available only to women prisoners (both convicts &

under trials) and to male convicts. *Why this facility is not extended to male UTs is not clear.* Letter communications are allowed. Writing materials are provided.

A separate visitor's room is set up for prisoners' meeting with visitors which had good facilities, including six separate compartments, glass partition sheets and intercoms.. All inmates are allowed to meet their family members and interact with them twice a month in the case of convicted prisoners and once a week in the case of under trials. Timings are fixed from 9 am to 5 pm.Children below 16 years of age also are allowed to meet their parents.

### **Board of visitors**

It was learned that Visitor's Board has been constituted in the jail which visits the jail once in three months.

### **Complaints management**

It was stated that the District and Sessions Judge and the CJM visit the jail once a month and listen to complaints from the inmates. Further, complaint boxes have been installed in every block to receive complaints from prisoners, to be opened in the presence of the District and Sessions Judge and the Additional Director General of Prisons. One of such boxes needs to be opened by the District Collector, as he/she is available locally and is from outside the system. Complaint boxes have been installed also in Women's Section. The Superintendent of the prison also listens to their grievances while taking rounds. Prison Visitor Committee visits the jail regularly .Besides Legal Aid Committees also interact with the prisoners. Panchayat Committees of prisoners constituted to deal with various items also give their suggestions..

Despite these measures, there is every need to have prisoner's Durbar in which the District Collector and SP participate. They ought to have periodic interaction with the prisoners.

### **Library**

A library with around 1800 books is available in the jail for use of prisoners.

### **Cultural programs**

12

It was learned that cultural programs are being regularly organized in the jail. School children are invited to perform thrice a year. Lectures on various subjects are also organized.

### Sports

No outdoor games like volley ball and badminton are organized for want of adequate space. Indoor facilities for playing chess and carom are available.

### Religious activities

It was stated that prisoners are allowed to follow their own religious practices. Facilities for worship are available in the prison. Festivals are collectively celebrated with the help of NGOs.

### Yoga/Gym

Facilities for practicing Yoga are available. Yoga is practiced daily by prisoners with the help of a Yoga teacher. Yoga camps and yoga teaching are organized with the help of organizations like Patanjali Yoga and Art of Living. Brahma Kumaries train women prisoners.

### Jail Canteen

Canteen facilities are being provided to the inmates in the jail on no-loss-no-profit basis. Prisoners are allowed to spend up to Rs.3500/- per month. Articles of daily use, food items, stationery etc are available in the canteen.

### Vocational Training and employment

It was reported that vocational training is being provided to prisoners in three items- carpentry, tailoring and laundry, especially to those in the age group of 18-23. One Carpentry and Tailoring Instructors each are posted. 20 male prisoners are involved. Since the female prisoners are under trials only sewing and tailoring have been taken up for them. Wages are paid to prisoners as per norms fixed. After a convicted prisoner is admitted, item of work allotted to him is decided by a Classification Committee. Prisoners who are assigned work are paid wages.

Drug De-addiction program No Drug De-addiction program is being organized in the jail. But lectures are organized on this subject for the benefit of prisoners. It

was pointed out that the jail canteen supplies prisoners Tobacco, cigarette and Beedi. Although supply of these items through the jail canteen was banned by prison authorities, it was legally challenged in court. It was stated that OP was able to get a court order in its favor. The prison authorities instead of leaving the matter, ought to have taken up the case with higher courts.

### **Role of NGOs**

It was stated that services of Non Governmental Organizations (NGOs) like local Lion's Club, Inner Wheels Club and Rotary Club are being utilized in various activities.

**Inspections** It was stated that regular inspections are conducted by District and Sessions Judge as well as by the CJM. Inspections are also stated to be conducted by senior prison officials. It was reported that inspection was conducted by the ADG the previous month and that performance audit is planned by the AG shortly.

### **Security**

Security is provided by staff comprising of 01 *Subhedars* (02 posts vacant), 10 *Havaldars* (05 posts vacant) and 63 *Sepoys* (22 vacancies). Two towers have been set up; both are manned. All security equipment like Hand Metal Detector, Door Metal Detector, and mobile jammer are stated to be available. It is important to have Annual Maintenance Contracts (AMC) with supply agencies so as to ensure that they are in working condition.

### **Solar Lighting/water harvesting**

Many jails in the country have shifted to the use of alternate energy for a variety of purposes. Solar lighting has been introduced in this jail on a very limited scale. Water heating has not yet been introduced in the jail. It was explained that due to constraints of space these facilities were not introduced.

It appears that not much attention has been paid to having water harvesting facilities in the jail. Since Vidarbha area of Maharashtra is a water scarcity area, water harvesting and recycling of waste water ought to be taken up on priority by constructing soak pits and other water harvesting facilities, wherever feasible.

### **Training**

It is learned that regular training programs are being organized for prison officials and staff by prison administration of the state.

### **Budget**

It was confirmed that sufficient funds are available for jail activities. Expenditure on salaries in 2017-18 reported was approximately Rs.3.81 crores and expenditure on diet of prisoners as Rs.27.50 lakhs and that on wagers was Rs.3.5 lakhs.

Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

### **Modernization**

It was stated that a few initiatives have been taken for modernization of the prison. The Prison Department of Maharashtra has launched a program called PRISM through which data is collected and maintained on prisoners across the state. Different sections of the prison are computerized. With the help of Goa Electronic Company modules are being developed for various programs. Efforts ought to be made to convert the jail into an e-prison and courts into e-courts by digitalizing all procedures.

### **Jail Manual**

It is seen that jail administration in Maharashtra is run as per provisions of the Prison Manual, 1879. It is understood that the state government amended different provisions of the Manual, in 2015 in tune with directions issued by various courts. However, it is yet to enact a comprehensive Model Prison Manual based on the one circulated by the Home Ministry.

## **Observations & Recommendations**

District Prison, Dhule is one of the oldest prisons in India, set up during the British period. Except that the jail capacity has increased, basic features continue to remain the same, without much change, Modernization of the prison therefore, is the chief challenge before the prison administration in the state.

### **1. Jail Infrastructure**

Some of the buildings are more than half a century old. Even then the efforts of the state government to maintain them is commendable. A comprehensive plan

therefore ought to be put in place for modernization of the jail (while preserving Vinobhaji's Cell and other historic portions ) and new buildings constructed in phases. Care should be taken to build eco-friendly structures to provide natural cooling and lighting.

## **2. Jail capacity**

Against a sanctioned capacity of 291 (male 285; F-09) occupancy reported was 271 (259 male and 16 female).The prisoners are seen distributed across the different barracks and Cells. Hence no overcrowding is noted.

## **3. Shortage of Manpower**

34 vacancies of staff were reported in the jail. Fortunately the post of Superintendent of the prison is seen filled up. But Posts of some of other functionaries like Jailor Group11, Teachers and security staff are also vacant. Without sufficient staff for maintaining internal security and discipline, prisoners are left to manage for themselves, which creates an unhealthy convention of having a hierarchy among the prisoners, often leading to corruption and abuse of younger/weaker prisoners. The vacancies ought to be filled up without delay.

## **4. Living conditions**

In this prisons barracks were in found clean and well maintained. Basic facilities like drinking water, regular power supply, bathing and toilet facilities are available to inmates. Articles of daily use have also been provided. Food supply appeared to be generally satisfactory. The kitchen needs to be renovated

## **5. Under trial prisoners**

As already mentioned under trial prisoners constitute about 84 % ( T-231; M-215 and F-16 ) of the prison's population. As per data provided by the prison administration 02 under trials have spent more than 07 years; 01 prisoner 06 years; 03 prisoners more than 05 years; 07 prisoners more than 04 years and 17 prisoners more than 03 years.45 UT prisoners are in jail 2016 and 2017. This is unacceptable. The matter ought to be placed before the District Level Committee chaired by the District Judge, with DM and SP as members for taking urgent action. Petty cases need to be placed before the Lok Ayukth for speedy disposal . It may be pointed out that the states of Tamil Nadu and Telangana have been able to reduce their UT population by efficient use of Lok Adalats.

## **6. Access to justice**

Easy access to justice is one of the most important rights of prisoners. Prisoners in various prisons often complain about lack of legal support, difficulty in getting police escort, non-production before courts, cases not being taken up and undue delay in receiving judgments etc. Due to non availability of police escort on time. *only around 45%* of under trials could be produced before courts

Non-sanctioning of legal aid is a violation of the orders of the Supreme Court which held that legal aid to a poor is a constitutional mandate not only by virtue of Article 39A, but also Articles 14, 19, 21, which cannot be denied by the government.

- Although legal aid is sanctioned to prisoners, it is generally seen taken up in a routine fashion. Women, especially with children, prisoners belonging to SC/ST communities and other vulnerable sections, which include BPL /elderly prisoners ought to get priority.
- The impact of providing legal aid is not seen assessed.
- Many of the prisoners , especially women, have no knowledge of the stage at which their cases were pending. A system for tracking/**monitoring** of cases should be put in place quickly.
- It is learned that video-conferencing facility is being utilized in the prison. Attention needs to be paid on efficiency of daily production and the quality of time spent by each prisoners before the courts.
- Cases relating to elderly prisoners, female prisoners with children need to be scrutinized quickly, to find out the extent of their involvement and for taking remedial measures.
- Legal Services Authority/Legal Aid Clinics ought to be made more active.
- Data on appeals filed by prisoners ought to be maintained properly.

It was reported that 02 prisoners are languishing in jail for want of sureties in the prisons. Their cases may be placed before the CJM for considering their release on personal bonds.

### **7. Parole & Furlough**

I have already pointed out in my earlier reports that the new set of rules for sanction of parole notified by Maharashtra Government has made availing parole by the prisoners indeed very difficult. Payment of 15,000/-as deposit by individual

prisoners amounts to refusal of parole, as many of the prisoners belong to the lower economic strata of society. The other provisions in the rule relating to delayed sanction of paroles to different categories of prisoners and other restrictions imposed also adversely affect the rights of prisoners..

### **8.. Custodial deaths/jail break/custodial violence**

No custodial deaths due to unnatural causes were reported in the prison, in last three years.

### **09. Incarceration of women**

In my previous report it was pointed out that women are often incarcerated in jail without adequate thought or justification. In most cases they are only co-accused. Some are pregnant at the time of arrest in fact one delivered a baby after her admission); some have small children with them; often they are separated from their small children and sometimes they are the only bread winners of their families. *Detention of women, therefore, should be an exception rather than rule.* If they are detained, they ought to be provided assistance to secure bail. Many of them are illiterate. They ought to be supported with legal aid and legal counseling, on priority. Their cases ought to be monitored individually. They also need to be helped to file appeals, if convicted.

### **10. Status of women prisoners**

It is seen that efforts have been made by the State Government to provide better infrastructure and facilities for women prisoners. Despite better living conditions in jail traditional, discrimination against women prisoners persist.

Women are generally handicapped by limited educational /health care /cooking /sports/ library facilities. Their access to law is difficult.

Adequate attention ought to be paid to the health of women and their children. No Gynecologist or lady doctor is posted in the jail. Women's OPD ought to be set up in the women's section. At least a female Nursing Orderly ought to be deputed to the prisons. Isolation wards need to be set up for women prisoners too.

While the focus is on offering facilities for higher education, literacy and basic education of women (mostly from poorer sections) more needs to be done.

Their participation in religious/cultural/ sports activities need to be encouraged.

Only one child is presently staying with its grandmother. Guidelines issued by the Apex Court in RD Upadyay Vs the State of Andhra Pradesh need to be *fully* complied with.

### **11. Mentally ill prisoners**

The prison reported identification of 03 inmates (01 female; 02 male) as mentally ill. A psychiatrist from the local Government Hospital is attending to them. It may be pointed out that as per directions issued by the Commission mentally ill prisoners ought to be shifted to a mental health facility for proper treatment and care. Although services of psychiatrists are available, for long term treatment, those affected need to be shifted to mental hospitals. The purpose is to provide them a suitable environment which helps their healing.

### **12. Right to education**

Jail authorities ought to pay more attention to basic education/literacy among the prisoners. The jails has only limited facilities for imparting basic education ; both male and female prisoners. Adequate number of regular teachers are not available for teaching prisoners, especially female prisoners. Basic education ought to be provided, *however short the stay of the prisoners be.*

### **13. Right to Health**

The jail has only a mini hospital for health care of its inmates. Facilities like pathology lab, X-ray are currently not available in the jail campuses. However, emergency cases are referred to the local Civil hospital. Every time a patient falls ill he or she has to be taken out for which police escort is not ordinarily available. Besides, it is difficult to get timely and satisfactory treatment in over-crowded government hospitals. It was stated that medical camps are being organized in these jails regularly. But medical camps are no substitute for medical care on day to day basis. Patients are attended by a Medical Officer deputed from the nearest hospital. No gynecologist is available. Posts of Para medical staff have not been created or they have not been posted. A separate OPD for women ought to be set up. Women's wing also ought to have an isolation room. A system needs to be put in place whereby each prisoner could be tracked on the basis of his/her health profile. Health cards of prisoners should be maintained; they need to be computerized and updated from time to time. Some of the convicted prisoners could be trained in this item of work. **AYUSH medical facilities** should be provided in the jail, especially to older patients.

#### **14. Vocational training**

The jail has only three units engaged in different trades- carpentry, tailoring and Laundry, especially for young prisoners between the age of 18-23. Literate among them ought to be provided computer training (also for literate girls). Other trades which have good employment prospects ought to be introduced.

It was stated that skilled workers get paid at the rates of Rs 55/- per day; semi-skilled- Rs. 50/- and unskilled Rs.45/- which are very low compared to rates notified by states like Bihar, and HP. The rates ought to be revised, especially in the case of prisoners engaged in industrial activity .

In Bihar and Jharkhand prisoners are allowed to keep 1/3 of their remuneration, 1/3 of the wages goes to the victim's family and the balance 1/3 for prisoner welfare activities. 1/10 share is used for their rehabilitation, which is a good initiative. This practice could be followed in the jails of Maharashtra too.

#### **15. Prisoner Welfare**

Welfare measures, including liberal sanction of parole, telephone facility, facilities for meeting with family members and canteen facilities help in improving the quality of prisoners' lives.

Communication with family members is very important for prisoners. Only coin box telephone facilities in these jails. *A modern telephone management system ought to be introduced without any further delay.* Visitors facilities are good.

It is generally seen that even when Board of Visitors is notified, Members do not visit the jails regularly. This system should be made more efficient. Canteen facilities are available . Gym facilities are not available. Only limited sports facilities are available in this prison due to space constraint. It is, however, seen that no outdoor sports facilities are available for female prisoners.

Prisoners are allowed to follow their own religious practices. Yoga and other programs are being practiced. It was stated that cultural programs are regularly organized in the prison.

#### **16. Complaints Management**

There appears to be a need for having an efficient and open complaints management system put in place in all five jails. *The current system of having complaint boxes does not serve any purpose.* Barring a box to be opened by

District and Sessions Judge, the others are being opened by the different officials of the jail hierarchy (they ought to be opened by the DM/SDO who are not a part of the prison hierarchy). Complaints regarding court cases ought to be brought to the notice of District & Sessions Judge and CJM while on their visits to the jail.

*Although District Magistrates are the custodians of prisons, it is generally seen that they seldom visit the jail nor have regular communication with prisoners.* Necessary instructions need to be issued to all DMs by the State Government in this regard. Prisoner's Durbars need to be jointly organized by DM/SP from time to time.

### **17. Rehabilitation**

Preparing prisoners for their eventual release from jail, equipping them with necessary life skills to enable their rehabilitation, giving emotional support for facing the outside world are onerous tasks for the jail administration. *The jail ought to draw up a rehabilitation plan for convicted prisoners and organize vocational trainings.*

### **18. Services of NGOs**

It is seen that services of NGOs have been put to use in this prison. Since NGOs have the flexibility and prisoner- friendly approach, their services could be enlarged and effectively utilized in counseling/teaching/training/vocational training and in a variety of other activities.

### **19. Staff Welfare**

It is very important to maintain high morale of prison officials and staff by devising suitable incentives. It is not clear whether any staff incentive system exists in Maharashtra similar to that in Tamil Nadu and other states. Providing timely promotion to senior officials and staff ought to be taken up every year.

**Staff welfare ought to be a priority.**

### **22. Use of Solar energy /water harvesting**

. It is seen that efforts have been made for harnessing solar energy for lighting purposes in a limited way. Constraints of space is pointed out as the main problem. Many of the prisons are located in water scarcity areas. Water harvesting and recycling ought to be made mandatory in all jails.

### **24. Security**

Only minimum level security is reportedly provided in this prison. Security ought to be reviewed periodically. Annual Maintenance Contract (AMC) ought to be

signed in respect of all new security equipment (even other equipment) to ensure their timely repair and maintenance.

**25. Prison reforms**

Prison reforms need to be undertaken to ensure that all prisoners are not treated as criminals. Correctional administration ought to be an integral part of prisoner management.

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