

REPORT ON VISIT TO DISTRICT PRISON CLASS-1, NANDURBAR ON 20-4-2018

---S, Jalaja Special Rapporteur

Profile of the district

Nandurbar district is located in the north western region of Maharashtra historically known as Khandesh. With an urban population of 16.7 % Nandurbar district is one of the least urbanized districts (as against 45.2 % of the State Population). Nandurbar district was created on 1st July 1998 by bifurcating Dhule district. The district is predominantly tribal. Scheduled Castes form 2.91% and Scheduled Tribes 69.28% of the population of Nandurbar.

Crime profile of the district

Incidence of crimes is comparatively low in the district. As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of 1558 crimes Nandurbar district stood 410 th in all crime records in the country in 2013. The district reported a crime rate of 94.52 compared to National crime rate of 218.67.

Jail Profile and history

District Prison Nandurbar is a newly established prison in Maharashtra. Although construction of the buildings was completed in 2008, it was made operational only in 2014 (1-11-2014). Situated at a distance of 5.6 km the jail can be approached only with some difficulty. Convenient public transport is reported to be not available. District administration ought to ensure that the public have no difficulty in reaching the prison.

Land and infrastructure

The prison area has an extent of 27 Ha with a built up area of 07 Ha. Prison infrastructure comprises of the Administrative block, Male and Female Circles and the kitchen block. Female enclosure has 02 barracks and 02 cells; however, they are vacant at present. Male Circle has 08 barracks; prisoners are lodged only in 04 barracks.

The jail staff occupy 37 quarters.

Manpower

According to approved staffing pattern for the prison, the jail has a sanctioned strength of 75 personnel, but the actual strength reported was only 41, with 54 vacancies. The post of Superintendent is vacant. Additional Superintendent is in charge. Among the medical staff, posts of Medical Officer and Paramedical staff are vacant. It was stated that only staff not wanted elsewhere are posted here. It is seen that the security at the entrance to the wards is manned by a physically challenged person. *It is a matter of concern that the jail was made operational without having adequate staff to man it.* New posts need to be created and existing vacancies filled up on priority.

Jail capacity and occupancy

As of 20-4-2018, against a sanctioned capacity of **500** prisoners (M-450 M; F-50), only **146** male prisoners are lodged in this prison. All female prisoners have been shifted to District Prison, Dhule, perhaps due to lack of adequate female staff as also due to security concerns. Keeping away female prisoners far away from their homes creates lot of problems for them in meeting their family members and children left back at home. This situation needs to be remedied on priority.

Category-wise details of prisoners

Out of 146 prisoners, 145 are under trials. Only one convicted prisoner stays in this jail.

Under-trial Prisoners Under trial prisoners constitute almost 100 % of the prison's population. As per data provided by the prison administration regarding length of stay of under trial prisoners, 03 under trials (2015) have spent three or more years; 16 prisoners (2016) 2 or more years; 48 prisoners (2017) one year or more; 77 prisoners (2018) less than an year. 06 prisoners have come to the prison a second time in 2018.

On a detailed analysis it is seen that prisoners namely Sunil alias Shivram Dilip Davar (376 IPC), Deepak Vijay Bagle ((364A-IPC) and Bharat Krishna Padavi (302-IPC) are in jail since 2015. Dinesh Gopal Kohli (420 IPC) Rasha Boka Naike (302 IPC), Deepchand Sampat Patil (420 IPC) and others have spent more than 02 years in jail.

As per reports, 99% of under trials have been produced before courts, except in the month of March, 2018 as police escort was reportedly available. During the months of March, 2018 only 46 % of under trials could be produced before courts; Further 11% prisoners were produced before courts through Video-conferencing facility. Petty cases ought to be placed before the CJM for disposal. Lok Adalats needs to be activated. Sec 141 CrPC ought to be strictly followed by the police which could regulate UT population.

Extremist prisoners

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

Young prisoners

It was learned that convicted prisoners between the age of 18-23 admitted here stand transferred to nearest District Prison, Dhule.

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 prisoner was identified as suffering from mental illness. The mentally ill prisoner has been transferred to Mental Hospital, Thane.

Periodic screening of both male *and female* prisoners ought to be conducted with the help of a team from Mental Hospital, Thane.

Condition of prisoners.

Male prisoners are housed in four out of 08 barracks earmarked for them.. Each barrack has a sanctioned capacity of 50 prisoners. 39-40 prisoners were staying in each of them. The barracks were large, well lighted and spacious. They were kept very clean. Lights and fans were in working condition. Each barrack has 04 caged toilets and 03 urinals. Water was available for use in toilets. But the toilets were not kept clean. Bathing space is available. Articles of daily use are being supplied. A TV set has been installed, but is very small.

I went around the different blocks and had interactions with some of the inmates. Only one convicted prisoner is lodged in this jail named Raju Ramu Sonavane. He

has been sentenced to Simple Imprisonment (SI) for a period of five months in a case filed u/s 371. He is about to be released, after completing his term.

I spoke to some of the prisoners. Govinda Padvi 65 is allegedly involved in an extortion case u/s 307 IPC. He has been in jail as UT for the last two years. He complained that his case was not moving forward.

Sardar Waharia 60 also has a case against him filed u/s 307 IPC. He has been in jail for 21 months. He is diabetic. Kojla Wania Tadvi 25 has cases filed under several sections of IPC- 376, 302, 224, and 379. He also has been booked for alleged Kidnapping and Abduction. Vijay Deepak Bagla 25 has a case against him u/s 364. Suresh Deep Singh Padvi 60 is booked u/s 420 IPC. He has not been granted any bail so far. Bharat Krishna Padhi 23 is booked u/s 302. He has spent 30 months in jail. Deep Chand Patil 43 has spent 02 years in jail. A Case has been booked against him u/s 409, 420 IPC. He stated that out of 13 accused in that case, only one got bail. Deepak Kisan Osawi is booked u/s 307. He is in jail since 2016. Abdul Anis Raj Mohammed 19 is accused no. 2 in a murder case. His bail was rejected, but others were released. Devi Prasad Dixit 32 was working as a tuition teacher. His wife was murdered, His children are at home. He is yet to get bail. Barrack No.7 has two TB patients,

Undue delay in finalizing their cases appears to be a cause of worry for the prisoners. Jail authorities ought to ensure that they are produced before courts regularly. The matter too could be placed before the Committee headed by the District judge with DM and SP as members for review of their cases..

Women Prisoners

As mentioned women prisoners are not lodged in this jail However, I went around the women's wing. The women's enclosure is large and spacious. The barracks are also well ventilated, as they have barred windows. The entire place is kept clean and neat. Lights and fans were in working condition.

03 sets (3x2) toilets and bathrooms are available in each ward. It was pointed out that construction of toilets was defective. It was mentioned that women's section has certain technical as well as security problems. It also has water logging problems too.

Before women are admitted into the prison it needs to be ensured that the jail has sufficient security for women prisoners, as also health, education and sanitation facilities.

Video-conferencing

Video-conferencing (VC) facility is available in the jail. The system is connected to only some of the courts concerned. On the average 50 prisoners are produced, before the courts through this facility in the month of March. However, there is need to improve the number and quality of production through VC facility since a large number of prisoners are waiting to be produced regularly before courts. It was stated that VC facilities also facilitate communication between same family members lodged in different jails.

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. 02 male and 01 woman Advocates from DLSA visit the jail once a week and provide counseling. No Para-legal volunteers have, however, been trained.

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

Seven 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 convicted 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.

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. 02 deaths were reported due to natural causes. The prisoners died in the Civil Hospital. No custodial violence was reported in the jail.

Escape of prisoners/jail break

It was stated that an incident was reported in which a prisoner had escaped from Jail by scaling the main wall. However, he came back. Subsequently he was acquitted by court.

Basic amenities

Water supply and Sanitation

It was mentioned that water for use of prisoners is supplied by the Nagar Parishad. Water from a well in the premises is used for washing and other purposes. It was stated that water quality is regularly checked. Although RO system is installed for the supply of safe drinking water to all prisoners it is reported to be non-functional. It should be got repaired. ANC ought to be executed in respect of all equipment purchased. For providing safe drinking water an RO plant ought to be installed (as in Tamil Nadu prisons) with the help of industrial houses under CSR..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 generally available in the jail, but no express feeder is available to the jail.. A generator of 35 KV capacity is installed as back up.

Food supply

The jail kitchen is located in a separate block. Kitchen is large and spacious and is well-ventilated. There is a long veranda outside the kitchen. Exhaust fans are fitted on the walls. The kitchen is divided into 03 sections, with 02 large and 02

small rooms. A large storage go down is available for stocking food. LPG facility is available. Cooking is done with pipe water supplied by the jail. It was mentioned that water quality is checked every month.

Rice and wheat are supplied by Government. Materials for cooking food are procured through e-tendering. Average cost per prisoner works out to be around Rs.35-40 per day.

11 prisoners are working in the kitchen. It was pointed out there is restriction on the number of prisoners who could be engaged for work. 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.

I spoke to some of the prisoners who work in the prison. Dhananjan Puna Mali 24 has a murder case against him. He has spent 13 months in jail. Anil Goswami 35 is booked u/s 307 IPC and has spent 02 years in jail. His case is said to be in final stages. Yogesh Ravindra Padvi 22 and Shivaji Babji Gavit 45 are also allegedly involved in murder cases and have spent 14 and 10 months respectively in jail. Masindra Valvi 26 has a case against him u/s 307 IPC. He has already spent 21 months in jail. He said that he has legal assistance. Sunil Dileep Dawar 22 is booked u/s 363 IPC has already spent 03 years in jail. Resh Bukha Nayar 20 belongs to ST community. There is a murder case against him. He has already spent 2 1/2 years in jail. Sarkar Surji Gavit 50 also has a murder case against him. He has spent 10 months

Education

The prison has no facilities for education of prisoners even at primary level. No teachers are posted in the jail. It was mentioned that since only under trial prisoners are lodged here no facilities are provided.

Health care

It is seen that no hospital facilities are set up in the jail campus. The Hospital block has not been constructed. In fact revised estimate is yet to be sent to government for approval. No post of Medical Officer or supporting staff is sanctioned. It was

stated that two doctors from the civil Hospital visit the jail every week. There was no reports on organization of medical camps in the jail by voluntary organizations. No AYUSH facilities are seen provided.

PCOs/Telephone facility/waiting room/visitors

Communication with family members is very important for prisoners It is seen that no telephone facilities/PCOs (coin box) are available in the prison. It is understood that UT male prisoners are not allowed to use the telephone facility. Not even coin box telephone facility is available in this jail. Only the office phone is available. This arrangement is not at all satisfactory. It is not clear why telephone facilities are not allowed to under trial male prisoners

A separate visitor's room is set up for prisoners' meeting with visitors which has 08 windows but only three have intercoms. On the average 15 visits are allowed daily.

Board of visitors

It was learned that Visitor's Board has been constituted in the jail which visits the jail once in three months. Only the previous day the Board Members visited the prison.

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. Superintendent of the prison also listens to their grievances while taking rounds. Prison Visitor Committee visits the jail regularly. *It appears that 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 .

Library

The jail has no library. Only a collection of 25 books borrowed from the Government library.

Cultural programs

It was learned that no cultural programs are organized in the jail.

Sports

No outdoor games like volley ball and badminton are organized. Indoor facilities for playing chess and carom are stated to be available. It was pointed out that due to security problems outdoor games are not being organized.

Religious activities

It was stated that prisoners are allowed to follow their own religious practices.

Yoga/Gym

It was reported that facilities for Yoga practice are not available. Yoga camps and yoga teaching ought to be organized with the help of reputed voluntary organizations, as in other jails.

Jail Canteen

Canteen facilities ought to be provided to the inmates in the jail so that articles of daily use, food items, stationery etc are available to prisoners.

Vocational Training and employment

No facilities for vocational training is available in the prison.

Drug De-addiction program No Drug De-addiction Program is being organized in the jail.

Role of NGOs

It was stated that services of Non Governmental Organizations (NGOs) are not being utilized in various activities by jail administration..

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 Special IGP in April, 2017.

Security

Details regarding availability of security staff manning the prison were not provided. Four towers have been set up; all four are manned. 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. Out of 24 CCTVs installed, 21 were stated to be in working condition. Since the jail is located in an isolated location, and there was an incident reported on prisoner escape, security needs to be upgraded.

Solar Lighting/water harvesting

Many jails in the country have shifted to the use of alternate energy for a variety of purposes. Solar lighting and solar water heating have not yet been introduced in the jail. It appears that not much attention has been paid to having water harvesting facilities in the jail. 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.

Modernization

It is seen that no attempt has been made to introduce new technologies to jail administration.

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

Observations and suggestions have been noted under different items in this report. For convenience they are listed below.

District Prison Class -1 is a new prison constructed in 2008. It was made operational only in 2014. This has been done without adequate planning. The prison is situated at a distance of 5.6 km from the main town. Prisoners pointed out that in the absence of buses (and bus stops) or any other type of conveyance it is very difficult for their families to reach the prison. This issue ought to be resolved quickly.

2. Infrastructure Even today the infrastructure of the prison is incomplete. The Hospital Block is yet to be constructed. So also vocational training blocks. Women Prisoner's block is even now unfit to be occupied. Design of the building too appears to be faulty. Concrete structures are least suitable especially in places like Nandurbar where temperatures soar in summer. Landscaping is yet to be taken up. At least the new structures planned ought to be designed carefully as per need and the buildings constructed should be eco-friendly.

3. Staff Shortage of staff has already been pointed out Urgent action needs to be taken..

4. Living conditions appeared to be satisfactory.

5. Under trials

Reducing undertrial population and reducing their period of stay ought to be taken up on priority

6. Health care It is a matter of concern that only rudimentary health facilities are available in the prison.

7. Mentally ill prisoners Periodic screening by a team from Mental Hospital, Thane ought to be taken up.

8. Education . No facilities for basic education has been provided. The reason given was that this prison essentially houses only UT prisoners. But many of the prisoners have spent considerable time in the jail as under trials. Education programs ought to be taken up, irrespective of period of stay of prisoners.

9. Vocational training No facilities are available for vocational training on consideration that mostly under trials are lodged here. These facilities ought to be provided as most of the prisoners while away their time. They could also get paid for the work. Restriction on the number of workers to be engaged in work ought to be removed. The prisons ought to be allowed to keep a part of the profit earned and recycle the same.

10. Prisoner Welfare

A modern telephone management system ought to be introduced without any further delay. Only limited sports facilities are available in this prison due to security problems. No facilities have been provided for practicing Yoga and other programs. Library is not set up, as yet. Cultural programs are not organized in the prison as this jail accommodates mostly UT prisoners.

11. Complaints Management

There appears to be a need for having an efficient and open complaints management system put in place in the jail.

12. Parole & Furlough

State government ought to review the recent instructions on the subject issued by it

13. Services of NGOs

It is seen that services of NGOs have not 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.

14. 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 quarters ought to be maintained properly. Living conditions of staff members and their families ought to be taken care of.

15. Security

To review and upgrade security

16. Use of Solar energy /water harvesting

These need to be taken up on priority

17. Prison reforms_ Maharashtra has established new district prisons in Gadchiroli, Sindhudurg and Nandurbar districts. Their modern buildings do not in any way reflect modernity in jail management. Facilities have not been provided to prisoners on the ground that only under trials are mostly lodged here. As explained a modern prison ought to have all facilities, including basic hospital, educational and vocational training irrespective of the length of stay of prisoners. 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.
