

REPORT ON VISIT TO CENTRAL PRISON, NASHIK, MAHARASHTRA

ON 18-04-18

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Profile of the district

Nashik is an ancient city in the northwest region of Maharashtra. Situated on the banks of Godavari river, Nashik is best known for being one of Hindu pilgrimage sites, especially that of Kumbh Mela, which is held once in 12 years.

The district is the third largest district in Maharashtra in terms of both population and area.

Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **10,878** crimes Nashik district stood **37th** in all crime records in the country in **2013**. The district reported a crime rate of **178.12** compared to National crime rate of **218.67** in 2013.

Jail Profile and history

Central Jail, Nashik one of the nine Central Prisons in Maharashtra. Originally set up as District Prison in 1927, during the British period, before many renowned freedom fighters were lodged in this jail. The jail presently accommodates convicted prisoners from all over the state as well as under trial prisoners within the state.

Land and infrastructure

The prison is spread over an area of 78.47 Ha with a built up area of 16.72 Ha. irrigated area constitutes 24.72 Ha and non-irrigated 14.18 Ha. 5.37 Ha. form forest area. Staff quarters and parade grounds occupy an area of 17.48 Ha.

The jail has a sprawling campus with a large infrastructure comprising of office buildings, 48 barracks (13 small and 35 large) and 330 Cells, the Female ward, prison canteen ration/clothing stores, store for agriculture products etc. The building are very old; only maintenance has been carried out from time to time.

For the purpose of administration, the prison is divided into 08 circles -Circle No.1 accommodates the female ward with 02 barracks and 03 cells. Circle No.2

houses high security prisoners in 17 cells. Other circles accommodate the quarantine ward, hospital ward and the canteen. Circle no.7 has 12 barracks and Circle no.8 06 separate yards, each with 55 cells. Prisoners are distributed in such a manner to avoid over-crowding.

Manpower

According to approved staffing pattern for the prison, the jail has a sanctioned strength of 321 personnel, but the actual strength reported was only 281, with 40 vacancies. The post of Superintendent Central and District Prison Class-1, one of the two posts of Deputy Superintendents and 01 Administrator are reported to be vacant. Other critical posts of Jailor Class 1 (4/8), Jailor Class -11(2/20) are also reported to be vacant. Among the medical staff both posts of Medical officers have been filled up but one of the two posts of Pharmacist are vacant. 01 post of Lab technician is filled up. Among the administrative staff, only 01 post of Senior Clerk (out of 07 posts) and 02 posts of Clerk (out of 12) are vacant.

Jail capacity and occupancy Against a sanctioned capacity of **3178** prisoners (M-3118; F-60) , **3338** (M-3223; F-115)) prisoners are lodged in this prison. 09 children (04 boys; 04 girls and one new born) are residing with their mothers. 110 prisoners of age group 18-21 are also lodged in this prison.

Category-wise details of prisoners

Out of 3338 prisoners, 2205 are convicts (M-2142; F-63) .1940 prisoners are undergoing Rigorous Imprisonment (RI) and 200 prisoners Simple imprisonment (SI). There are no civil prisoners.17 *detenue* (all male) are detained under MPDA(Maharashtra Preventive Detection Act) and COFEPOSA. Only one foreign prisoner is lodged here who is from Pakistan. Convicted and under trial/remand prisoners are segregated, lodged in separate wards.

Under-trial Prisoners Unlike in other jails visited, under trial prisoners constitute only about 34 % (1105-1060 male and 45 female)) of the prison's population, as convicted prisoners from other jails have been transferred to this jail for purpose of safe custody. No data was provided by the prison administration regarding length of stay of under trial prisoners.

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It was reported that regular meetings of the Under Trial Review Committee , chaired by the District and Sessions Judge are conducted to review the legal issues concerning under trials and their condition.

As per reports, physical production of under trials in court is affected due to non availability of police escort on time. Out of requisition for production of 2507 under trials, only 1070 could be produced before courts. Only in 56% of the cases police escort is provided.

Condition of prisoners.

I went around the different blocks and had interactions with some of the inmates. There is lot of space around each barrack. Capacity of each of the barrack was mentioned as 60 against which occupancy reported was 75. 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 the prisoners Among the complaints received, some were about the strict terms for sanctioning paroles. Balu Dharma Mose 79 complained about not getting parole. There were also complaints about no permission being granted for making telephone calls. For e.g. Farook Iiiyas Motorwalla who is involved in the Bombay blast case was released in 2013, but in 2013 he was sentenced to LI. He complained about not having any phone facility for contacting family members.

High Security Prisoners

There are 17 High Security Cells in the prison. Only 11 are in use. 11 prisoners are currently lodged in them. These cells open to a common area. It was learned that inmates are allowed to move about in this space for sometime in the day. I spoke to all the prisoners.

Sajjad Abdul Aziz Mugal 26 has been convicted for life imprisonment in a murder case involving women in Mumbai. He stated that an appeal has been filed in the High Court. Badyz Zaman Akai Pasha 28 is an under trial prisoner. Some weapons were allegedly recovered from him. He confirmed that services of a lawyer are available to him. Sher Singh Nanak Singh 33 is an LI prisoner from Naded district.

He claimed that he had not committed any crime. According to him someone had tried to kill him then he tried to save himself. Salim Khwaja Sheikh 42 is from Silly. He too is alleged to be involved in a murder case. Ahmed Nag too stated that he too had not committed any crime. His appeal is pending.

The high Security cells also accommodate 05 prisoners who have been awarded **capital punishment** by the District & Sessions Judge, Nashik on 20-1-2018 u/s 302, and 120 b IPC. Ashok Sudhakar Navgire, Ramesh Vishwanath Darandale, Prakash Vishwanath Darandale, Sandip Mahadeo Kurhe, Raghunath Vishwanath Darandale, Pravin Popat Darandale are involved in gruesome murder in an honor killing case of a lower caste boy marrying a girl of their family. When I tried to talk to them they were least remorseful about the crime. It was learned that their mercy petition is pending. None of the inmates had any complaint.

Mentally ill prisoners

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. **108** male prisoners are reportedly identified as mentally ill. They are seen lodged in a separate ward. There appears to be no such arrangement for female prisoners. The mentally ill are said to be under treatment of a Psychiatrist from the Civil Hospital who visits the jail once in two weeks. According to Self-Help Groups who counsel prisoners around 50 prisoners among the inmates of the prison are depressed. 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.

Women Prisoners

The women's enclosure is large and spacious. Altogether 05 buildings are available within this area. It is seen that 03 cells are reserved for prisoners from foreign countries. The floor of the buildings is tiled. The place is kept clean and neat. The women's ward has barred doors and windows. Adequate ventilation is available. A TV set has been installed. There were 10 toilets and 07 bathrooms outside which were maintained well. News papers are being supplied to the inmates. A sanitary winding machine is seen installed for winding sanitary pads. A CCTV camera has been installed. For entertainment 02 carom boards are seen provided. For filing

complaints 02 complaint boxes have been provided, to be opened by District Judge and Additional Session Judge, Nashik.

115 women prisoners are lodged in this jail. 09 children stay with their mothers. One of the larger rooms in the building accommodates the inmates. The hall is somewhat congested. It is well lighted. One room is kept specially kept as a store room for keeping their belongings.

I spoke to some of the prisoners. Salma Ansari 32 is convicted in a murder case. She has spent 11 years in jail. She stated that her husband is also lodged in the Open Jail. He is convicted in the same case involving the murder of his brother. Her children are in Delhi. Mangil Mahendra Shinde 32 and her mother are booked in a murder case. They have spent 05 years in jail. Asma Salaudhin Khan 26 is in jail in connection with the murder of her uncle. She too has spent 05 years in jail. Shobha Raut 48 is a senior civil servant and was an SDO in Usmanabad district. She is booked in an anti-corruption case. She stated that she had committed no wrong doing. According to her version, someone had placed RS 30,000/- in her bag, without her knowledge. Her appeal is pending. Sakka Bai 55 is allegedly involved in the murder of her own son. Indu Bai Rasad 72 has just come. She is an LI prisoner booked u/s 302 IPC. Paru Bai Gulab Watan 33 has a 09 month baby with her. Sindhu Bai Patil is convicted in a dowry death case. She has spent 14 years in jail. Her case for remission is pending before the State Government. Shazia Mulla is from Bangladesh. She is involved in Visa violation case.

Sayeeda Shafi Pathan 30 has a 03 year boy with her and also a new born baby. She ran away while she was being taken to the court, but was brought back. Two constables were reportedly suspended in that connection. She is allegedly involved in the murder of her brother. Prison authorities stated that she needed counseling. She ought to be attended to by a counselor. Prachakta Mukti 19 has a case against u/s 307 IPC. While in prison she had delivered the baby. She now wants to be transferred to the Sub Jail near her home. Anuradha Fadnavis 52 is booked u/s 420. She stated that the barrack was over crowded. The new barrack has no outer wall. For 75 inmates there are only 03 toilets and 01 bathroom.

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.

45% of the women prisoners are reportedly illiterate. Adult education classes are run for women prisoners. A regular teacher, and one of the convicts and an NGO are involved in teaching them. 20 convicted and under trial prisoners attend the classes. The classes are conducted in an old building with veranda all around.

There also is an isolation room for prisoners who are ill. It also has a toilet. A fridge is provided for storing medicines.

One of the buildings houses a production unit, producing cylinder seals. 18 women are engaged in this work which is sponsored by Bharat Milling Corporation. Women are seen provided with woolen caps, purse and shoes by the NGO trainers. They get paid Rs 55/- per day for production of 06 kilos of seals. They earn around Rs.1200/- per month. In another room some women were working with a sewing machine.

Female prisoners and their children are currently attended to by male doctors. 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.

Video-conferencing

Video-conferencing facility is available in the jail. 03 rooms are designated for this purpose in which 05 VC systems are installed. The five systems are used for producing under trial prisoners before courts. It also facilitates prisoners to consult specialists and doctors who are based in health facilities outside the prison under Telemedicine facility in the jail. It also helps the prisoners have face to face communication with family members lodged in other jails. As per reports 765 prisoners were produced in March 2018, before the courts through this facility. From 21-8-2010 up to March 2018 21691 UTs were produced before the courts. 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. District Legal Services Authority (DLSA) is stated to be active. Advocates from DLSA visit the

jail and provide counseling and legal aid. 4-5 Para Legal Volunteers aid the prisoners in legal matters. Legal-aid camps are also reportedly organized periodically.

Lok Adalat

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

Sanction of bail

No case of prisoners languishing in jail after getting bail, for want of sureties was reported. However, if there are any cases they should be taken up with the courts concerned/ or Lok Adalat, to explore the possibility of releasing them on personal bonds.

Parole/ Furlough/ Remission

All prisoners are allowed parole and furlough as per rules. Parole is sanctioned by the Divisional Commissioner, Nashik on the recommendations of the police and furlough by the DIG. 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 three years. Only 05 deaths due to natural causes were reported. All deaths took place in Civil Hospital, Nasik.

No custodial violence was reported except that quarrels among prisoners were reported in 2015-16.

Escape of prisoners/jail break

It was stated that no jail break incident has taken place in the jail in recent times. Only one case was reported four years back. But the prisoner reportedly came back to the prison.

Basic amenities

Water supply and Sanitation

It was mentioned that water is being supplied to the jail by the Municipal Corporation, Nashik. No tube wells are installed in the jail,. It may be mentioned that Central Jail, Pallayamkottai in Tamil Nadu has set up a RO plant of adequate capacity for providing safe water for drinking and cooking purposes. This could be replicated through sponsorship under CSR by corporate houses.

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 33 KV capacity is installed as back up.

Food supply

The jail kitchen is located in an old building which is constructed in old style. The floor of the kitchen needs to be redone. It was stated that a modernization plan is pending with the PWD. LPG facility is available It is equipped with two Atta-kneading machines, cooking units, gas stove systems, solar heaters to facilitate better and faster cooking, and minimize the load on workers. Cooking is done with water supplied by the Corporation. It was mentioned that water quality is checked every month. The kitchen has sufficient ventilation. Exhaust fans are fitted on the walls.

40 convicted and 37 under trial prisoners are working in 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. Materials for cooking food are procured through e-tendering. Average cost per prisoner works out to be Rs.29-30 per day.

Vegetables for use in the kitchen are produced in the kitchen garden (20 acres) maintained in the jail campus.

Education

Education ought to be pursued in the prison as an important means of reformation. 75% male and 60% of the women prisoners are reported to be literate. Against 03 sanctioned posts of teachers only one is filled up; the other two are reportedly vacant. One NGO is engaged in teaching women and children. Older children are sent to an Anganwadi center outside the jail.

Efforts are also made to provide opportunity for higher education through Indira Gandhi Open University (IGNOU) and Yashwant Rao Chauhan Open University (YCMOU). 40 prisoners were graduated last year from IGNOU and 96 prisoners from YCMOU, Nashik. YCMOU had organized counseling for prisoners who seek higher education. Apart from formal education, prisoners are 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 on behalf of the Library. It is seen that English speaking courses are also organized for prisoner volunteers. 11 prisoners were trained.

Health care

A jail hospital with 72 beds is available in the jail campus. The hospital is located in an old building. It is housed in a set of 04 barracks and 06 cells. The hospital also has a Traction room, Medicine Room, Dressing cum Dental Unit, one store and a lab. Rest are used as store rooms. ECG and X-ray machines were in working condition. The hospital is housed in two halls both of which were well lighted with lights and fans functional. An isolation ward with 06 rooms is seen set up for keeping patients who had TB and other communicable diseases. One separate room is said to be available for women prisoners. A jail lab, dispensary and Medical store are also available. The hospital appeared to be clean and well maintained.

I spoke to some of those admitted in the hospital. Eswar Konduwar 55 is suffering from diabetes and BP and heart condition. Satish B Ambedkar 30 has cancer of the brain. Vittal Ladke Kothari is convicted for life and is suffering from paralysis.

Against three sanctioned posts of doctors only 02 are posted (01 regular MBBs; 01 Ayurveda). No lady doctor visits the jail. Para medical staff consists of two Pharmacists and a Lab Technician as well as 04 Medical Orderlies.

OPD attendance in the hospital reported around 350 per day. In emergency patients are referred to Civil Hospital Nashik or the local Rural Hospital for treatment. An ambulance is available for transporting patients to hospitals outside the jail. It was, however, pointed out that there was difficulty in taking out prisoners due to non availability of police escorts. Out of 181 requisitions made to the police for providing escorts to patients, only in 52 cases the same was provided. *Thus only in 29% of the cases police escort is available to the patients.*

Specialized medical camps are also reportedly being organized with the help of NGOs. A Charitable Trust with DM as chairperson helps in organizing these camps. A psychiatrist, Dentist, Ophthalmologist, Dermatologists, Physician and Orthopedic Surgeon attend these camps. 1482 prisoners were treated in these camps so far for dental, eye and skin problems. Civil Hospital, Nashik had organized a session on HIV/AIDs for prisoners on 31-01-17. Detailed medical examination of the prisoners is carried out at the time of their admission.

It was stated that prisoners mostly suffer from skin problems. No fever, Malaria or dengue cases were reported. However, 12 cases of TB and 29 cases of HIV/AIDs were also reported. TB patients are admitted in the isolation ward. 03 cases of leprosy were reported (02 male; 01 female)

Lab facilities are available. Besides pathological and blood tests for CBC and TB, tests are also carried out for HIV/AIDs with the consent of the patients. X-ray and ECG facilities are available. A trained Technician conducts ECG/ X-ray screenings. A Dental Chair with supporting equipment is set up in the hospital. But no Dentist is said to be available. 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 for 05 minutes to women prisoners (both convicts & under trials) and to male convicts. *Why this facility is not extended to male UTs is not clear.*

A separate visitor's room is set up for prisoners' meeting with visitors which had good facilities, including 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. Family members of prisoners detained under COFEPOSA and MPDA are allowed to make visits twice a week. It is reported that a program called *Galabhet* is organized to enable convicted prisoners to meet their children below 16 years of age.

Board of visitors

It was learned that visitor's Board has not been constituted for the jail which visits the jail regularly.

Complaints management

It was stated that the District and Sessions Judge and the CJM and Secretary, DLSA visit the jail once a month and listen to complaints from the inmates.

It is seen that a 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 the boxes need 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. 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

Two libraries with around 3890 books is available in the jail for use of prisoners. The stock has 2485 Marathi, 609 Hindi, and 435 English books. It seems that the library is not only a place for stocking and lending books, but also the center of

dissemination of knowledge and information. As per reports it had organized a variety cultural and educational programs including meditation, entertainment, religious programs, musical programs, medical camps, observation of several memorial days and birth anniversaries,,

Recreation

FM and color TV facilities are available in the prison for entertainment of the inmates. **Sudharvani** the internal broadcasting cell was set up in 2014 with the objective of entertaining and educating the inmates. In addition to playing songs on demand and news, the inmates are provided information on a variety of issues relating to health, law etc. Specially trained jockeys among the prisoners present the programs.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail. It is seen that inmates of the prison has participated in state level events. With the help of Prison Ministry of India, NGO, drawing competitions are organized for prisoners. Prisoners organize Musical programs too. Different musical instruments are made available to those who actively participate in these programs.

Sports

Outdoor games like volley ball and badminton are played by the prisoners. Indoor facilities for playing chess and carom are available. Regular competitions and tournaments are organized and prizes and awards are distributed to the winners..

Religious activities

It was stated that prisoners are allowed to follow their own religious practices. Facilities for worship are available in the prison.

Yoga/Gym

Facilities for practicing Yoga are available. Yoga is practiced daily by prisoners with the help of a Yoga teacher. 35 prisoners have received Yoga training. Women trainers 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

It was reported that vocational training is being provided to 328 prisoners in a number of items including Textiles (110), Carpentry (71), Tailoring (58) Fabrication (36), Leather/paper work (07), Bakery (07), Laundry (11), Chemical (13) and Clay and Fiber Works (15). Training is being provided by 01 Weaving Supervisor, Bakery Instructor, 01 tailoring Instructor, Leather work Instructor, 01 Fabrication Instructor and 01 Machinist. Posts of 01 Weaving Instructor, 01 Carpentry Instructor, 01 Tailoring Supervisor are stated to be vacant.

The Fabrication Unit was established as in 1932. The other units were set up in 1955, according to prison authorities. Different products like different types of carpets, bed sheets, blankets, towels, Tables, cane chairs cabinets, steel furniture, school uniforms, staff uniforms, etc are being produced. Besides, leather goods like bags, pouches, belts, shoes, sandals and chemical items like toilet soaps, washing soaps, detergent powder, tooth powder are produced by these units.

Textile items worth Rs.54.30 lacs, Carpentry items worth Rs.1.1 crores, Tailoring items of Rs.1.81 crores value, leather goods of value Rs.1.73 lakhs, bakery items worth Rs.12.46 lakhs and fabrication items of value Rs.1.25 crores were produced by the units. Chemical unit produced items worth Rs 23.40 lakhs and laundry unit earned Rs 5.28 lakhs.

During the rounds I could see beautiful sculptures of Lord Ganesha crafted by some of the talented prisoners. 20 prisoners are involved in making idols of Hindu gods and other prominent figures. I was told that 1500 idols were made this year. It was stated that they have high demand in the market. Idols are made with clay, marble or fiber.

It is seen that some NGOs are also involved in vocational training. Amrut Tulya NGO organized a vocational training program. Tata Trust similarly had organized a Wiremen training program.

Open Prison

An Open Prison with a sanctioned strength of 50 was established in the jail on 01/12/2013. Convicted prisoners with good conduct and behavior are carefully selected. The objective is to allow the prisoners to work in open space at the same time earn their wages. This also helps them in their rehabilitation, once released from the prison. Currently 47 prisoners have volunteered to be a part of this set up. They are accommodated within a separate ward.

It was reported that the prisoners are involved in three projects-crop production, Animal Shelter and Goat farming. Total farming area available was reported as 45.54 Ha (Open prison 37.68 Ha; Central prison 6.4 Ha). From April 2017 to Feb.2018 the farming unit produced crops worth Rs.30.72 lakhs, earning a profit of Rs 12.26 lakhs. In Animal Shelter unit 40 animals are kept and the Goat farming unit has only 11 animals.

Besides the above, a nursery is also maintained in the Central prison, Nashik Road. Plants worth Rs 1.10 lakhs were raised by the Nursery. A manure unit attached to it supplies manure to the farm.

While going around the prison it was noted that interviews were being held for selecting prisoners to be admitted in the Open Jail. A number of candidates were seen waiting for the interview.

Drug De-addiction program A Drug De-addiction program is being organized in the jail.

Role of NGOs

It was stated that services of Non Governmental Organizations (NGOs) 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. Inspection was conducted by the AIG in the previous week. **Security**

It was stated that structural and procedural aspects of security have been taken into consideration while planning for prison security. Security is provided by staff comprising of 06 *Subhedars* (04 posts vacant), 26 constables (05 posts vacant) and

194 Sepoys (10 vacancies). 94 CCTVs have been installed and all are stated to be in working condition. Out of 05 towers 03 are manned.

It was, however stated that the main jail boundary wall had become old and its height is only around 15-16 ft. Construction of a new wall at a distance of 40-50 feet from the old wall is needed. Equipment like baggage scanner, Hand Held Metal Detector, DMD, baggage scanner, mobile jammer emergency lights, fire extinguishers etc are provided. It was, however pointed out that the security equipment which were purchased could not be repaired after the expiry of warranty, in the absence of adequate funds. *All newly purchased instruments ought to have Annual Maintenance Contract (AMC) for their timely repair and maintenance.*

It is seen that no official vehicle has been provided to the Jail Superintendent for performing his official duties. Prison authority has to hire private vehicles for attending to various jail duties which is not desirable from a security point of view. Being a central jail at least one official vehicle ought to be provided.

Solar Lighting/water harvesting

Many jails in the country have shifted to the use of alternate energy for a variety of purposes. Solar water heating has been introduced in the jail. It is supplied to the hospital, women and aged prisoners for their use. Solar lighting also needs be introduced in the jail.

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 reported was approximately Rs.11.55 crores and expenditure on diet of prisoners as Rs.4.9 crore and that on wagers was Rs.4.9 crore.

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. 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 is yet to enact the Model Prison Manual based on the one circulated by the Home Ministry.

Observations & Recommendations

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

1. Jail Infrastructure

Although the prison has a sprawling campus, the boundary wall is reportedly very old which needs replacement, to provide security to the jail. The buildings are also almost a century old. A comprehensive plan ought to be put in place for modernization of the jail 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 3178 (male 3118; F-60) occupancy reported was 3338 (3223 male and 115 female).The prisoners are seen distributed across 48

barracks and 330 Cells. Hence no overcrowding is noted, except in the Women's Section.

3. Shortage of Manpower

One of the issues facing the prison is the shortage of staff. According to prison authorities the staff pattern in the prison was originally approved on the basis of sanctioned capacity of 1600. At present the sanctioned capacity has increased and 3338 prisoners are lodged in the jail. But staff strength remains the same. Implementation of new programs has put additional stress on the system. For the smooth running of the industrial units too additional staff is required. Security staff are diverted for such additional items of work. Additional security staff is required for manning the Open Prison and for escorting prisoners to hospitals, as police escorts are not available. For administrative work too extra staff is required. Vacant posts include that of Superintendent of the prison and one post of Deputy Superintendent. Posts of other important functionaries like Administrative Officer, Jailor Class I & II 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.

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.

5. Under trial prisoners

Under trials constitute roughly 33% of the prison population in the jail. No data on length of stay of under trials is available. This needs to be monitored on a continuous basis

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. Only in 56% of the cases police escort is provided.

- 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.

Jail authorities ought to make a sustained effort to reduce U/T population, by increased production of UTs through video-conferencing, proper tracking of cases, providing legal aid to UTs, regular organization of *Lok Adalat* and getting petty cases disposed of etc. States like Tamil Nadu and Telangana have considerably reduced their under trial population and minimized their length of stay by strictly enforcing the use of Sec.141 CrPC and efficient utilization of *Lok Adalats*.

There are no reports that any prisoner is languishing in jail for want of sureties in the prisons. However, this needs to be monitored regularly.

7. Parole & Furlough

In Maharashtra Parole is sanctioned to prisoners as per provisions of the Bombay Prison (Furlough and Parole) Rules, 1959, and, amended as Maharashtra Prison (BF & P) Rules, 2015. It is seen that the Rules were last amended on **26-8-2016**.

In the state, parole is sanctioned by Divisional Commissioners under rule 18(2) of the above said rules and the appeal against rejection rests with the State Government. Furlough is sanctioned by the DGP concerned, and, emergency parole of 15 days by the Jail Superintendent.

As per amended rules no extension can be granted in emergency paroles; two persons are needed as sureties, as against one in the original provision; Rs. 15,000/- is to be taken as deposit from each prisoner, as against Rs 2000/- as per the earlier provision.

The first parole is admissible only after one year for those sentenced for 05 years; after two years for those sentenced for 5-14 years and for those above 14 years only after three years (notwithstanding the fact that most prisoners spend long number of years as under trials before they are awarded punishments)

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. Overstay

I have submitted a separate note for consideration of the Commission on the implication of the directions of the Apex Court regarding the time to be spent by LI prisoners in jail. If they are uniformly applied to all prisoners, including women, the aged and the disabled they could cause them considerable hardship. The State Government could sanction remissions in eligible cases liberally to overcome the problem, but only to a limited extent. Commission may like to take up the matter with the Apex court

9. Custodial deaths/jail break/custodial violence

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

10. 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.

11. 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.

Nine children are presently staying with their mothers. Guidelines issued by the Apex Court in RD Upadyay Vs the State of Andhra Pradesh need to be *fully* complied with.

12. Mentally ill prisoners

The prison reported identification of 108 inmates 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.

13. 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.*

14. Right to Health

The Central Prison, has a jail hospital for health care of its inmates. Facilities like pathology lab, X-ray are currently 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. Posts of medical officers need to be filled up, so also those of supporting staff, wherever vacancy exists. Posts need to be created where none exists.

- A separate OPD for women ought to be set up. Women's wing also ought to have an isolation room.
- Mentally ill prisoners after their identification ought to be transferred to mental health institutions.
- 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.

15. Vocational training

The jail has set up a number of industrial units in different trades. However, their functioning is constrained by shortage of staff. According to prison authorities at least 10 more additional staff would be needed.

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.

16. 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.*

Facilities for visitors are available in both central and district prisons. But they are very inadequate to facilitate prisoners to spend one to one quality time with their family members.

Entry by visitors ought to be regulated by token systems, as in the case in banks. *E-Mulakat System ought to be introduced, starting with Central prisons.*

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. Sports facilities are available in this prison. 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.

17. 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 .

18. 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. *Each central Jail ought to draw up a rehabilitation plan for prisoners and organize vocational trainings..*

19. Open Prison

The Open Prison operating at present provides only limited facility to prisoners, that too within the prison. The next step ought to be the one that enables the prisoners (who have 05 years to be released and with good conduct and behavior) to work outside the jail as in Telangana, wherein the prisoners are allowed to go outside the jail and earn their income. Ultimately, after their release, they can be absorbed in the system.

20. 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, the scope of their services could be enlarged and effectively utilized in counseling/teaching/training/vocational training and in a variety of other activities.

21. 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.

Existing staff quarters are reportedly very old and have limited space. Families of prison staff find the living conditions very poor. Although PWD was entrusted with the new construction work, they have asked the work to be done through the Police Housing Department. Lot of time was wasted in this process. **Staff welfare also ought to be a priority.**

22. Use of Solar energy /water harvesting

Use of solar energy for heating and lighting is a boon for prisons, as they can improve the quality of their lives. It is seen that efforts have been made for harnessing solar energy for heating purposes in a limited way. Many jails in the country have switched over to the use of solar energy. It is high time all jails in the state adopt the technology.

Many of the prisons are located in water scarcity areas. Water harvesting and recycling ought to be made mandatory in all jails.

23. Budget

Budget allotment is considered to be adequate by the jail authorities. It was pointed out in my last report that according to Prison Statistics of India as of 31-12-2014, prison expenditure in Maharashtra is the lowest compared to less prosperous states like Jharkhand and smaller states like Manipur and Arunachal. More funds need to be sanctioned for improving infrastructure, appointment of staff, providing additional welfare measures, integrating correctional administration etc.

24. Security

Only minimum level security is reportedly provided in this prison. Security staff are diverted for such additional items of work like maintaining Prison Management System (PRISM). According to jail administration additional 22 staff are required for this purpose. Additional security staff is also required for manning security in the Open Prison and for escorting prisoners to hospitals, as police escorts are not generally available. Further, security (16 Nos.) is needed for round-the-clock duty at boundary wall and at the watch towers (20 staff). Additional 08 staff are needed as reserve guards. Since this is a central prison wherein habitual offenders and high security prisoners are lodged, providing adequate security is of paramount importance.

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.

As mentioned a new compound wall ought to be constructed to ensure security to the jail.

25. Prison reforms

As already mentioned in my previous reports, prison administration and management in Maharashtra is governed by archaic Acts and rules. A new **Jail Manual** needs to be put in place by incorporating human rights principles and humane treatment of prisoners. It could be based on the Model Jail Manual circulated by Govt. of India. Moreover, salient provisions of the new Manual ought to be shared with the prisoners. Jail staff should be properly trained in implementing the provisions of the Manual. They also should be trained for multi-tasking, for holistic understanding prisoner management.

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. In Central Prison, Palayamkottai, Tirunelveli district, Tamil Nadu an entire block is dedicated for correctional activities. A Psychologist, is in charge of this unit, assisted by two Counselors. Correctional administration unit inter-alia takes up Individual and group counseling, induction level counseling and pre-release training. For remand prisoners it provides orientation, screening as well as individual counseling and also group counseling. It also attends to alcohol dependence, behavioral problems, Preventive Detention cases etc. The unit ought to have a De-addiction Center, Research Department, Individual Treatment Centers and educational institutions for inmates. Central Prison, Nashik could become a Model prison, if reforms are carried out.
