

**REPORT ON VISITS TO PRISONS IN KOLHAPUR, SATARA,
RATNAGIRI AND SINDHUDURG DISTRICTS IN MAHARASHTRA
FROM 26-11-2017 I-12-2017**

----- S. Jalaja, Spl. Rapporteur, NHRC

I visited four districts in Maharashtra from 26-11-2017 to 1-12-2017 with a view to assess the status of human rights therein. As a part of my program I visited Central Prison, Kolhapur, District Prison Class-11 Satara, Special Prison Ratnagiri, District Prison Class-1 Sindhudurg as well as District Prison Class-11, Sawantwadi.

Given below are general observations /recommendations concerning all five prisons (Part-1 of this report). Also included are specific observations/ recommendations in respect of each of the prisons (Parts 11,111, 1V, V &V1), in order to facilitate follow up action by prison authorities concerned.

PART-1

General Observations/ Recommendations

1. Prison Infrastructure

Out of **five** prisons situated in four districts under Pune and Konkan Divisions , **three** are some of the oldest prisons in India, set up during the British period, with their buildings having constructed in a much earlier period by the Portuguese. District Prison Class-11 Satara was set up in 1889, Special Prison, Ratnagiri in 1853 and District Prison Class-11, Sawantwadi in 1882. It appears that these historic buildings have outlived their utility as district prisons. *While preserving these old structures as monuments, new prisons ought to be constructed in their places.*

Central Prison, Kolhapur which was originally set up as district jail in 1950, has extensive infrastructure. Modern District Prison Class-1 Sindhudurg was made operational only in 2016. This prison is not adequately being utilized for the purpose for which it was built. State Government may take a quick decision as to whether the class 11 prison in Satwantwadi ought to be merged with it to ensure optimum use of resources.

2. Jail capacity

Against a sanctioned capacity of 1789 (1755 male ; 34 female), occupancy reported was 1974 (1906 male and 68 female) in Central Jail, Kolhapur ; against a sanctioned capacity of 168 (159 male, 09 female), occupancy reported was 328 (316 male; 12 female) in District Prison Class-11, Satara,; in Special Prison, Ratnagiri sanctioned capacity reported was 246 (243 male 03 female) against which occupancy was only 145 (139 male 06 female); in District Prison, Class-1 Sindhudurg, against a sanctioned capacity of 120 (96 male; 24 female), occupancy was only 61 (all male) and in District Prison Class-11 Sawatwadi, against a sanctioned capacity of 78 (56 male and 22 female), occupancy reported was only 24 . Only in Kolhapur and Satara prisons overcrowding in barracks was noted.

3. Shortage of Manpower

The five jails visited reported only some shortage of staff. In Central Prison Kolhapur out of 192 sanctioned 166 have been filled up. Posts vacant *include that of Superintendent of the prison*; Two posts of Deputy Superintendents are also reportedly vacant.

Out of 56 posts sanctioned 53 are filled up in Satara, but *the post of Superintendent is vacant*.

In Special Prison, Ratnagiri out of 52 sanctioned posts 44 are filled up; in District Prison Sindhudurg out of 37 sanctioned posts, 27 are filled up, *but the post of Superintendent is vacant* and in District Prison, Sawantwadi against 25 posts sanctioned, 22 (including that of Superintendent) are filled up. ***Thus in three out of five prisons, the post of Superintendent is vacant.***

In the first look it may appear that most of the posts have been filled up in these prisons. *But it is seen that adequate number of posts of important functionaries like jailors and warders, as also that of Medical Officers (especially LMOs), Nurses and Para Medial staff have not been created.* 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 all five prisons barracks were in found to be in good condition. Basic facilities like drinking water, regular power supply, bathing and toilet facilities are available

to inmates in all five jails. Articles of daily use have also been provided. Food supply appeared to be generally satisfactory.

5. Under trial prisoners

Except in Central Prison Kolhapur (33%) and District Prison, Sindhudurg (0%), under trials constitute majority of the prison population in three other jails- (100% in Satara, 90% in Ratnagiri and 96% in Sawantwadi). As per data provided by authorities of Central Prison, Kolhapur, on length of stay of under trial prisoners in jail, 240 UTs (233 male;07 female) have spent 1-2 years in jail. In Satara 82 prisoners have completed 1-2 years, *07 male prisoners 2-3 years and 05 male prisoners 4-5 years in jail*. No data on length of stay of under trials is available in Ratnagiri and Sawantwadi. All are convicted prisoners in District Prison, Sindhudurg. *Prolonged stay of under trials in these prisons is a matter of concern*. A drive needs to be conducted to reduce it to a minimum level.

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. *Had the legal support system been effective, so many UTs would not have remained in jail, that too for years together*. As of February, 2017 only 40% of the under trials could be produced before courts in Central Jail Kolhapur.

- 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.
- Most often 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 all five prisons. 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.
- Progress in individual cases also needs to be tracked.
- 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.

It was reported that no prisoner languishes in jail for want of sureties in Ratnagiri and Sawantwadi prisons. *Only one case is reported Sindhudurg and 15-20 cases in Satara . No data was made available about Kolhapur.*

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.

Applications for grant of parole are to be filed by the prisoners under rule 19. Grounds permissible for sanction include serious illness or death of close relatives, damage of houses in natural calamities and marriages of close relatives.

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.

I had pointed out in my last report that the amended rules appear to be somewhat harsh. I had also suggested that Instead of being strict in the sanctioning paroles, it would be desirable to put in place a good tracking system to ensure that the prisoners return to prisons from parole. Local police stations, gram sabhas and panchayats could be of assistance. The procedure for sanctioning paroles also needs to be simplified and streamlined (online filing, complete filling up of forms; early medical and police clearance etc) to avoid delay and harassment to 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 deserving 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 four of the prisons visited, in the last three years. However, in Central Jail, Kolhapur it was reported that 17 prisoners died in custody in 2015; 07 in 2016 and 06 in 2017 up to the end of October, this year. Out of these cases of deaths reported, 02 cases each of 2015

and 2016 and 03 cases of 2017 appear to be suspicious. Inordinate delay in the investigation of cases is noticed in this prison. Suspicious cases, ought to be investigated without any further delay. Accountability also ought to be fixed for any foul play, to ensure that such incidents do not take place in future.

State government needs to look into recent incidence of illegal custodial deaths in different prisons in the state. *State Government needs to look into the roots of this problem of unnatural deaths in prisons.* Selection of candidates during recruitment of jail staff should be done with care. Induction and in -service trainings and sensitization should have HR components. Accountability should be fixed wherever officials/staff are found violating laws/rules.

No incident concerning jail break or violence was reported in any of the jails.

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; 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 any of these jails. 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) are neglected. Their participation in religious/cultural/ sports activities need to be encouraged.

Four children are presently staying with their mothers in Central Jail, Kolhapur ; There are no children residing in Satara, Ratnagiri , Sindhudurg or Sawatwadi prisons. Barring educational facilities and health care, it appears that other facilities are being provided to children. 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

Central Prison, Kolhapur reported identification of 09 inmates as mentally ill. A psychiatrist from the local Government Hospital is attending to them. Only 03 prisoners have been identified as mentally ill in Special Prison, Ratnagiri. No cases were reported in the remaining three prisons.

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. Periodic screening of both male and *female prisoners* is also necessary.

14. Right to education

It is seen that jail authorities (except in Kolhapur) have not given adequate attention to basic education/literacy among the prisoners. All four district jails have only limited facilities for imparting basic education , both male and female prisoners. Regular teachers are not available for teaching prisoners, especially female prisoners. Basic education ought to be provided, *however short their stay be.*

15. Right to Health

Only Central Prison, Kolhapur has a jail hospital for health care of its inmates. Other prisons depend on nearby District Civil Hospitals for indoor treatment of patients. Facilities like pathology lab, X-ray are not currently available in four of the jail campuses. 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

campus 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 in all prisons or they have not been posted in these jails. *The present set up for health care without having a full-fledged hospital is least satisfactory.* A proper, well-aired, hygienic and **functional hospital** should be set up in all district prison campuses, having separate isolation wards. They should have adequate diagnostic facilities .

- **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 exist.
- A separate OPD for women ought to be set up. Women's wing also ought to have an isolation room.
- **Screening for mental conditions** may be undertaken with the help of reputed mental health institutions. Mentally ill prisoners after their identification ought to be transferred to mental health institutions.
- A system needs to be put in place for regular screening for TB/Malaria/HIV/AIDS/and chronic diseases. Each prisoner should 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 all four jails, especially to older patients. An AYUSH doctor ought to be posted at least in Central prisons.

16. Vocational training

Vocational training facilities are available in Central Jail, Kolhapur. No proper facilities are available for convicted prisoners in other jails. There is need to upscale and diversify the activities in all jails with higher population of convicted prisoners, with the help of reputed NGOs.

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 Central Prison, Kolhapur.

In Bihar and Jharkhand prisoners are allowed to keep 1/3 of their remuneration, 1/3 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.

17. 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.

It is often seen that visitors are forced to pay money to the guards for meeting the prisoners. 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.*

No Board of visitors has been constituted in any of the prisons visited. It is generally seen that even when the Board is notified, Members do not visit the jails regularly. This system should be made more efficient.

Canteen facilities are available in Central Prison, Kolhapur, but was not seen in other jails. Gym facilities are not available in four of the jails. Sports facilities are available in central and district prisons. It is, however, seen that no 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 three of the prisons.

18. Complaints Management

While going round the prisons, it was noticed that only very few prisoners did generally make any complaint, perhaps due to fear of jail authorities taking action against them. 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 .

District Level Committee headed by the District Judge, with DM and SP as members ought to meet every month. Prisoner's complaints, if any, ought to be discussed in that forum. Besides, other issues like sanction of legal aid ought to be reviewed.

19. 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. It is, however, seen that no such efforts are being made in any of the jails except Central Prison, Kolhapur, wherein convicted prisoners are lodged. *Each jail with convicted prisoners ought to draw up a rehabilitation plan for prisoners and organize vocational trainings.*

20. Prison Administration

- A comprehensive **modernization plan** for prisons needs to be put in place wherever needed. Filling up of vacant posts / creation of critical posts should get priority.
- **Delegation and decentralization in jail administration** are very much needed. Items which can be delegated to Superintendents of prisons should be identified and delegated.
- Expenditure under all items should be **audited** to find out if any misappropriation has taken place.
- An **untied fund** of Rs.10/- lakh may be provided to Central jails and Rs.05 lakh to district jails and Rs.03 lakh to sub jails for taking up emergency items of works for welfare of prisoners. It should be sanctioned by a committee comprising of DM, SP and Jail Superintendent.

- All equipment, including the video-conferencing system, should be got repaired. AMCs should be signed with supply agencies.
- Efforts should be made to reduce chances for corruption at vulnerable points by the use of technology, wherever feasible.

21. 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. Unfortunately no efforts have been made for harnessing solar energy for lighting/heating purposes. 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. Services of NGOs

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

24. Budget

Budget allotment is considered to be adequate by the jail authorities of all five prisons. 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.*

25. Prison reforms

Prison reforms need to be undertaken to ensure that all prisoners are not treated as criminals.

General 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.

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PART-11

REPORT ON VISIT TO CENTRAL PRISON, KOLHAPUR, MAHARASHTRA ON 31-11-2017

-- S. Jalaja, Special Rapporteur, NHRC

Profile of the district

With a population of 3,876,001 (2011 census) Kolhapur is the largest district in Maharashtra in terms of population. It is situated on the western part of Maharashtra and shares a border with Belgaum district of Karnataka to the south.

Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **4800** crimes, Kolhapur district in Maharashtra stood 151st in all crime records in India. It reported a crime rate of **123.84** compared to National crime rate **218.67** in 2013. It stood **79th** in no of murders, **61st** in no of rapes, **25th** in no of robberies, **70th** in no of thefts, **26th** in no of dacoities, **174th** in no of kidnappings and **41st** in no of riots.

Jail Profile and history

As mentioned, for the purpose of prison administration, the state of Maharashtra is divided into four Divisions-Eastern, Western, Northern and Southern, each headed by a DIG. Kolhapur forms a part of the Western region.

Originally set up as District Prison before the formation of Maharashtra state, Central Prison, Kalamba, Kolhapur is one of the largest prisons in Maharashtra. The prison had housed many freedom fighters during the British period. On the other hand, some of those who belong to dreaded criminal gangs and those allegedly involved in Bombay blast and Railway blast, prisoners from Mumbai, Kalyan, Sangli, Satara, Karad, Ratnagiri, Sholapur and some from outside the state are serving their sentence here.

Land and infrastructure

The prison is spread over an area of 73.36 acres with a built up area of 15.10 acres. It also has an open jail presently accommodating 43 prisoners.

The jail infrastructure comprises of 36 barracks and 91 cells in all. 11 are High Security Cells. For the purpose of administration the prison is divided into Circles/yards. Circles no.1-8 comprises of 29 barracks and 53 cells for housing male prisoners. The hospital yard has 02 barracks and 20 cells. Women's enclosure has

two barracks and 06 cells; Juvenile circle (19-25 years) two barracks and 12 cells and the kitchen yard only one barrack.

Manpower

It is seen that against a sanctioned staff strength of **192**, only **166** posts are filled up; **26** posts are stated to be vacant. *The post of Superintendent of the prison is reportedly vacant.* Additional Superintendent is in charge. *02 posts of Deputy Superintendents are also vacant.* Although all five posts of Jailor Gr.1 are seen filled up, 02 posts of Jailor Gr.11 are reported to be vacant. A central prison like this ought to be headed by a senior Superintendent. All posts, especially the critical posts, need to be filled up quickly.

Jail capacity and occupancy

Against a sanctioned capacity of **1789** (**1755** male and **34** female), **1974** (**1906** male and **68** female) prisoners are lodged in this prison. 04 children are reported to be staying with their mothers. As the prison population exceeds the capacity sanctioned, there is some over- crowding in this jail.

Category-wise details of prisoners

It is seen that under trial and convicted prisoners have been segregated in this jail. Category-wise prisoners reported were as follows :-

- Out of a total population of **1974** prisoners (1906 male; 68 female), **1261** are convicted prisoners (1261male; 47 female), **824** (782 male; 42 female) are undergoing Rigorous Imprisonment (**RI**), and, **151** (**146** male; 05 female) Simple Imprisonment (**SI**).
- 135 are convicted overseas prisoners (all male)
- Under trials comprise of 664 prisoners (male 645 and female 19)
- 07 are detenués (all male)
- 150 belong to other categories (148 male; 02 female)
- 43 prisoners are in the open prison.

It is seen that 127 convicted prisoners from Somalia are stated to have been involved in sea dacoity . I was told that they are about to be released. Prison authorities reportedly have been taking care of these prisoners, especially their diet.

Under-trial Prisoners Unlike in other jails visited, under trial prisoners constitute only about 33.1 % (664) of the prison's population, as convicted prisoners from jails in the neighborhood have been transferred to this jail for purpose of safe custody. According to data provided by the prison administration regarding length of stay of under trial prisoners 115 prisoners (108 male; 07 female) are staying for 01 month, 87 UT (male 84; female 03) between 01 and 03 months; 126 (124 male; 02 female) UT between 03 to 06 months; 96 UT (all male) for six months to one year and 240 UTs (233 male; 07 female) are staying for 01- 02 years. As per report of November, 2017 *only 40.% prisoners could be produced before courts.*

Authorities ought to make an 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.

High Security Prisoners

As mentioned, high security prisoners are lodged in 11 cells. Only 08 prisoners are currently lodged here. I visited the cells and spoke to some of the inmates.

1. Dileep Ashok Jhadav 45 is an under trial involved in a murder case. As per records he was arrested on 16-2 2013 by Juna Rajwada P.S, Kolhapur in C R. No. 36/2013. He was transferred to this jail from Kolhapur District Prison on 2/03/2013. *It is a matter of concern that he has spent over 4 1/2 years in jail as under trial in solitary confinement.* Although he has engaged a lawyer, he complained that dates are not being given by the court.

2. Hem Keshav Dutta Mishra 36 is an under trial prisoner implicated in a murder case connected to extremist activities. He is from JNU and was involved in student activities.. He has been sentenced to Life Imprisonment and a fine of Rs.5000/-by the District and Sessions Court, Gadchiroli on 7-3-17. He complained about his transfer from one jail to the other. The prison authorities stated he was transferred from Nasik Central Prison to this jail on 16-9-2017 due to reason that he had been abusive towards the judge. He claimed that he was falsely implicated in the case. He has already spent 09 months in jail. His appeal is pending before the court. He also stated that he is not allowed to go out of the cell for more than an hour. I spoke to the Superintendent about it. It is indeed a matter of concern that some of

the youth who are students or teachers in universities, misguided by their ideology are incarcerated in jails at the prime of their life.

3. Gajanan Pandarinath Marne 52 has a case registered against him u/s 302 IPC. He was arrested on 12-1-2015 by Paud P.S, Pune in CR No. 239/2014 filed under MCOCA (*Maharashtra Control of Organized Crime Act, 1999*) in case No.07/2015. He is sentenced to LI and has been in jail for the last two years. His appeal is pending before the Nagpur Bench of the Bombay High Court.

4. Sachin Manohar Khambe 39 also is convicted for Life Imprisonment along with a fine of Rs.13,000/-, in a murder case by the City Sessions Court, Mumbai on 31-12-2002 . He was arrested by Park Sing PS in CR No 10/2000. He has spent 18 years in jail. He has applied to the State Government for remission.

5. Rajesh Ramen 32 is sentenced to LI in a murder case and has spent 08 years in jail.

6. Babloo alias Vijay Sanjay Javir, also a LI prisoner , is convicted in a murder case by the Additional sessions Court, Ichalkaranji on 11-01-2012. He was ordered to pay a fine of Rs.80000/- He has other cases against him which are said to be confidential in nature. He has spent 08 years in jail.

7. Deepak Bhimrao Patil was arrested by Karad police Station, in C.R.No.95/2014 He is an under trial prisoner for *last 03 years*.

.8. Lahu Kumar Dhekne was arrested by Jejuri P.S.in CR No. 52/2000 and was convicted by Additional Sessions Court on 8-10-2003 to LI and payment of a fine of Rs.2000/-He was transferred from Yerwada Central Prison to this jail on 5-6-2005.

It is seen that these prisoners are lodged in one room cells , one side open with grills. Basic facilities are seen provided. But they are free to come out of their cells only for a limited time daily *It is not clear on what basis these prisoners are categorized as high security prisoners and are lodged in one room cells, as many other prisoners also have similar cases against them.* The Committee headed by the District Judge with DM and SP as members ought to review their cases from time to time.

Condition of prisoners.

I went around the wards and had interactions with some of the inmates. In the ward visited against a sanctioned capacity of 50, only 35 prisoners are seen accommodated. The wards were large/long halls with barred doors and windows which provide enough ventilation. They were found to be generally clean. Lights and fans were in working condition. The condition of toilets inside was satisfactory. Drinking water was available. TV sets have been provided in every ward. It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc.

Among the convicted prisoners, 17 male prisoners have spent less than 05 years in jail; 1215 have been convicted for more than 05 years. As far as the under trial prisoners are concerned, with a case against them u/s 302 IPC, Ananda Manuk Patil, Maruti Ananda Patil are in jail since 2012. Dileep Asok Jhadav, Amol Ashok Jhadav, Harish Baburao Patil, Omkar Vidyadhar Surayavanshi and Mahadev Hemanth Kalgutki are in jail since 2013. They all face cases u/s 302 IPC. Tejabul Fasadul Sheikh is allegedly involved in a case u/s 489 IPC and is in jail *for more than four years as under trial*. Latif Babzi Jamadar, Rajendra Ananda Sawal, Vikas Devdas Bagmare, Vishal Asok Girigosavi, Gaurav Digambar Pavskar, Nilesh Ramesh Sasne, Zulfazar Muhammed Khureshi are others facing murder charges and are in jail since 2013. Production before *the courts appears to be very slow*. SP, Kolhapur ought to review the set up for providing escorts to prisoners who are produced before courts.

Women Prisoners

Female prisoners (68) form roughly 5.3% of the total population of prisoners. As mentioned 68 women prisoners are lodged in this jail. One more woman prisoner is admitted taking the total to 69.

It is seen female enclosure is large and spacious. Female prisoners are lodged in two separate barracks of the prison. Each barrack has a sanctioned capacity of capacity of 34 against which 69 prisoners were staying in both, together.. 04 children were present at the time of the visit. No pregnant women were present.

Buildings where the ward is located, though old, looked clean and well kept. The floor is paved with stones. The bathroom and 02 toilets inside were in good condition. Barracks had windows which gives sufficient ventilation. Lights and fans were also in working condition. A TV set is installed for their entertainment. It is also connected to a public address system.

It is reported that out of 69 women prisoners 49 are convicts. 31 female convicts are sentenced to life imprisonment. 31 of them were sentenced for committing crimes u/s 302, 06 cases relating to dowry and other provisions of the IPC.

20 of the female prisoners are under trials, out of whom 14 are allegedly involved in murder related cases 04 are booked u/s 376 IPC cases and 02 in cases relating to criminal conspiracy.

I spoke to some of the women prisoners. Sitabhai Londe 89 is a life term prisoner convicted in a murder case. She has spent 10 years in jail. Vasant Nikan is convicted in a case involving the murder of her husband. She has 11 children. One of them aged 04 is presently with her. Vaisali Kale is an under trial allegedly involved in a case u/s 307 IPC. She stated that she was booked in a quarrel case and that she was innocent. She had a small baby was with her. She has so far spent 03 months in jail. Lata Sivarama 62 is booked in a murder case and was awarded LI. She has so far spent only 02 years. Fatima Chamca 75 also is an LI prisoner convicted in a murder case. This was her 14th year in jail. Naina Panchal 70 is convicted for one year u/s 138 IPC. 06 months are over. Ganga Basangi 80, also a life convict in murder case, has spent one year in jail. Puja Kiran Moyte, under trial in a murder case had a new born baby with her. Another child of 11/2 years is also staying with her. They stated that they had no complaints, except that the cases against them should be speeded up.

The health care of women prisoners is taken care of by the jail hospital. It was stated that pregnant women, newborns and children receive special care and attention. Regular check-ups are arranged for them before and after delivery. Sanitary pads are also distributed to women prisoners

They are provided special diet. Facility for registration of birth is also provided. despite these claims made, it is seen that no regular Gynecologist or lady doctor is

posted in the jail .The female OPD is managed by male MO s. No isolation ward is also seen set up for women within the women's enclosure.

It was also mentioned that special care of children below 06 years staying with their mothers is taken. Regular check -ups are carried out by doctors. Special diet is provided to them. There are facilities for their education. They are also provided clothes and all other essential items. Toys are also distributed to children.

Vocational training for women prisoners are being organized. Some of them participate in *Ladoo* making which are offered as *prasad* in famous Mahalaxmi temple.

Although indoor facilities like carom are stated to be available, no outdoor sports activities are, however, being organized for women prisoners.

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4 2006) has issued detailed guidelines on the care of women and children incarcerated in jails. Although these guidelines are stated to be followed, in the area of health care and education *full* compliance is needed.

Custodial Deaths /violence

It is reported by jail authorities that 17 prisoners died in custody in 2015; 07 in 2016 and 06 in 2017 up to the end of October, this year. Out of these cases of deaths reported, 02 cases each of 2015 and 2016 and 03 cases of 2017 appear to be surreptitious. One of the deaths reported was that of Abdul Malik Rashid Sheikh(45), resident of Bhivandi, Thane district , who was booked under Section 302 IPC by Mumbai police. He died on 19-04-2015. The opinion is divided on the cause of death. The case is still pending with Nayab Tahsildar and Executive Magistrate Bombay City. It is not clear why the matter is pending for more than 2 1/2 years.

In another case of 2015 was that of Ishwar Dhondi Kamble, resident of Satara district who was booked in a murder case at Borgaoan P.S, Satara district. His viscera is reportedly preserved for chemical analysis and histo-pathological examination. Although he died on 10-10-2015, the cause of his death is yet to be confirmed.

As far as two custodial deaths in 2016 are concerned, Anandra Ramachandra Gosavi from Karveer Tehsil, Kolhapur died on 9-3-2016 reportedly *by hanging*. The matter is still seen pending as a report is stated as pending from Aurangabad. Another case of 2016 reported was that of Ganapati Nivrutti Morbale from Karveer, Kolhapur. He was an under trial against whom a case u/s 376 IPC was pending. *He too was found hanging*. Report concerning his death is apparently received and the cause of death is reported as suicidal hanging.

Out of 03 cases reported in 2017, the first is that of Santosh Jambu Koge from Jaysingpur, Kolhapur district. A case was registered against him u/s 302 IPC by Gandhinagar P. S. He reportedly died on 30-7-2017. Opinion on the cause of death is awaited. Opinion is also reserved in the case of Sohanlal Dannu Ram, from UP who died on 13-8-2017. Jayadev Namdev Hajare from Barhi, Kolhapur was *found hanging* on 26-10-2017 inside the prison. His investigation report is still pending.

It is mentioned that in all cases opinion is reserved regarding cause of death as per their post-mortem reports. It is unacceptable that the cases of death of prisoners which occurred as early as in January 2015 are still pending, *No administrative inquiry appears to have been conducted and guilty, if any, proceeded against*. If action against the guilty is not taken on time, such incidents are bound to happen.

Incidentally I came across the case of one Alagu Muttu Shanker Pandian@ Muhammed Ayub 36, a convicted prisoner, who died in custody on 15-8-2013 in which the Commission had taken cognizance and had sought a report from the jail authorities. Although the jail authorities claimed that the diseased was suffering from a psychiatric condition and died of injuries sustained in a fall, the Commission after examining all facts before it, rejected the version of the jail authorities and came to the conclusion that the prisoner died indeed due to external and internal injuries that could have been caused by an assault. Further, it observed that the diseased was not provided timely medical care. It has issued a notice u/s 18(a) (1) of the Protection of Human rights Act, 1993 to the jail authorities. The officials concerned detailed the incident and repeated their version. Matter is still under the consideration of the Commission.

After my visit to this prison, a report on a custodial death was reported in the media (November 9, 2017) that Sangli police had arrested four of their colleagues

for allegedly torturing Aniket Kothale, a suspect in a theft case, who was in police custody, to death and later burning his dead body to destroy the evidence. Taking a *suo motu* cognizance of the alleged murder in police custody, the NHRC issued a notice to Maharashtra Director General of Police. *The accused police officials have been transferred to this jail.* This matter was not revealed to me by the jail authority but brought to my notice by a representative of an NGO engaged in the field of human rights. Custodial deaths appear to form a regular pattern in this jail.

Escape of prisoners/jail break

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

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water is being supplied to the jail. As far as sanitation facilities are concerned every barrack has a cage toilet. Adequate number of toilets are available for the use of prisoners. 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 is installed as back up.

Food supply

The jail has a modern kitchen which is centrally located. It is very large and spacious and appeared to be in good condition. Ventilation is available. Exhaust fans are fitted on the walls. Tap water supply is available for cooking, washing and cleaning purposes. Pipeline gas supply is available for cooking.

Food is reportedly being cooked for 200 prisoners in the kitchen. Around 12,000 *chapatis* are said to be prepared here on daily basis. It was mentioned that the inmates are provided three main meals, including breakfast, lunch and dinner. A variety of diet is reportedly provided. Tea, milk and bananas are also being supplied. Food supplied is on calorie basis. Food served to the prisoners appeared to be satisfactory. Per head cost of food was reported as Rs.35/- only, which is indeed very low.

100 prisoners work in two shifts in the kitchen. Vegetables for use in the kitchen are produced in kitchen gardens maintained in the jail campus.

Education

It was stated that education is pursued in the prison as an important means of reformation. It implies providing not only literacy but also inculcating values among prisoners. A separate Education department functions within the jail to promote literacy and education among the prisoners. Two teachers have been engaged for teaching those who are illiterate. Efforts are also made to provide opportunity for higher education and degree accreditation (BA,B.Com, MA) through Indira Gandhi Open University (IGNOU) and Yashwat Rao Chauhan Open University. Prisoners are encouraged in pursuing higher education. 91 prisoners are enrolled in preparatory studies in YCOU ; 31 in BA Part-1, 14 in Part-11 and Part 111 each. 169 prisoners have graduated from this University till date . 45 prisoners have taken admission in IGNOU as well.

In Nagpur Central Jail, apart from formal education, prisoners are also trained in social skills and urged to take up good personal habits like personal hygiene, good house - keeping. use of library and reading news papers, good communication, self discipline and having a helpful attitude etc. The same could be taken up in this jail too.

Health care

A 10-bedded hospital is set up in the jail. The jail depends on the nearby CPR Govt. Hospital for indoor treatment of patients. The hospital is manned by a team comprising of one Medical Officer class 111 ,and two Nursing Orderlies, and 01 Compounder. References are made to CPR Government Hospital for treatment.. *But it is seen that only 5% of the patients are provided escorts.* An ambulance is available for transporting patients to hospital. Laboratory, X-ray and ECG facilities are available. Dental facilities have also been provided.133 X-ray photographs were reportedly taken by the unit between 13-1-2017 and 10-11-2017.

The hospital appeared to be clean and well maintained. It comprises of a large hall, one provided with beds and mattresses and the other without any. Fans lights, were in working condition. A TV set has been provided. Medical diet is served to

patients as recommended by the doctors. 04 cells are being used as isolation ward for TB patients. Separate OPD is run for women. No AYUSH facilities are available. they also need to be computerized

Medicines are reportedly supplied by the Maharashtra Medical Supplies Corporation. In emergency local purchases are also made. At present no shortage of medicines was reported. A Pharmacist dispenses the medicines.

Tele Medicine facilities are available and are tied up with Sasoon Hospital, Pune from 2-6-2017. 192 patients including 33 orthopedic and 29 medical patients have availed this facility so far. 89 cases of skin disease, 18 Uro/TB problems were attended to. Psychological cases (05) were referred to consultations in 28 cases of surgery were made.

Mentally ill prisoners

A separate block is set up in jail premises for accommodating those prisoners who have been identified as mentally ill. Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. 06 mentally ill prisoners are kept in this block. It is, therefore, surprising that in a population of around 2000 prisoners the jail administration has been able to identify only 09 prisoners as mentally ill. Out of these prisoners 05 convicted and 01 under trial prisoner are undergoing treatment in the jail itself under the care of a psychiatrist from CPR Hospital. They are also provided medical diet as per advice from the psychiatrist. 03 under trial prisoners are stated to be undergoing treatment at the Regional Mental Hospital at Ratnagiri. It should be ensured that proper screening for mental illness is conducted at the time of admission and subsequently, on a regular basis. *Women prisoners also ought to be screened.* They should be provided counseling with the help of reputed NGOs.

Video-conferencing

Video-conferencing facility is available in the jail.

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. Para legal volunteers aid the prisoners in legal matters. DLSA needs to be actively involved in legal counseling and

assistance to the inmates as it is seen that a good number of prisoners are languishing in jail as under trials.

Sanction of bail

It was stated that appeals have been filed by all convicted prisoners and that no prisoner is languishing in jail after getting bail, for want of sureties.

Lok Adalats

It appears that *Lok Adalats* are not being organized in the jail.

Parole/ Furlough/ Remission

It was stated that parole is sanctioned as per rules by the Divisional Commissioner and furlough by the DIG. In the case of an emergency-marriage, serious illness or death of immediate family members the Superintendent can sanction parole for a period of 07 days which is not extendable. It was stated that 51 prisoners who were on parole and furlough between the period 1997 and 31-10-17 were reported as absconding. 46 were booked u/s 224, remaining cases are under process.

It was mentioned that rules for sanctioning parole have been changed recently. 90 days parole has been reduced to 45 days only. Extension for 15 days is allowed once in three years only. Restrictions are also imposed based on the number of years for which a prisoner is convicted. These restrictions have been brought about apparently due to the fact that many prisoners on parole or furlough failed to return. I have already pointed out that the restrictions are somewhat hard on the prisoners. It would be better to ensure that the local thana or panchayat ensures that the prisoner returns to jail after the sanctioned period.

It was stated that remission is sanctioned as per rules. Remission includes casual remission, remission for good conduct, special remission and remission granted by the state.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (coin box) are available to both convicted and under trial prisoners for communication with their families. Under trial prisoners are allowed to meet their family members once a week and convicted

prisoners once in a fortnight. A separate room with intercom facility is set apart for visitors.

A special program called '*Galabhet*' (hugging) is organized every year to enable prisoners undergoing their sentences to meet their children up to 16 years of age. For female prisoners undergoing their sentences, with children kept in any of the Homes or government institutions, arrangements are made for a meeting twice a month under this program. Other facilities provided include sending letters by post cards to families of the inmates.

Board of visitors

It was learned that Visitor's Board has not been constituted for the jail, but is under process. The Board needs to be set up without any further delay.

Complaints management

It was noticed during rounds in the prison that none of the prisoners came forward to state any complaint, perhaps out of fear of action later on. Prisoners should be allowed to freely register their complaints. It was pointed out that complaint boxes have been installed in all circles to receive complaints from prisoners which are to be opened by the Session's Judge, ADG of police, IG Prisons, Pune and DIG of prisons. Superintendent takes daily round and listens to complaints from prisoners. In fact apart from the Sessions judge/it should be the concerned DM (being independent, local) who ought to have the keys--- not the officials in the prison hierarchy.

This present system of complaints management appears to be insufficient. 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 2600 books is set up in the jail for use of prisoners. The collection is said to include books in English , Marathi, Hindi, Gujarati, Tamil and Urdu. It was mentioned that the library is well stocked with Marathi books in different categories. The jail ought to have a section of the library within the female section too.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail. Included are orchestra and singing, mini plays and theme plays, dance individual and Group. Women inmates also organize such programs.

Sports Outdoor games like volley ball are played by the prisoners. Indoor facilities for playing chess and carom are available. A gym also is being utilized by the prisoners. However, no sport facilities are available to women prisoners.

Religious activities

It was stated that religious activities are organized in the jail. Prisoners are allowed to have their own religious practices.

Yoga and other activities

Different spiritual organizations and Trusts organize various spiritual programs for prisoners through the year in a special hall set up for this purpose. A ten day Art of Living course is organized with the help of Art of Living Trust in which sessions on Yoga, Pranayam, Sudarshan Kriya are held. It was reported that 100 prisoners have taken advantage of this course. Vipasana sessions are also conducted for prisoners. Religious discourses are given by Brahmakumaris, which are currently attended by 25 prisoners. Inmates of this jail participate in Musical programs organized outside the jail. 14 prisoners participated in the program last time. A musical band for prisoners is also organized in the jail. Regular training programs are organized to those interested. 18 prisoners have been trained so far; 14 more are getting trained. Lezim (a form of folk dance or drill performed with the help of a musical instrument, believed to have originated in Maharashtra) training is also organized in the jail. It needs to be ensured, however, that participation in all these activities is voluntary.

Recreation It is seen that color TV sets have been provided in all wards for the entertainment of prisoners. News papers are being supplied to convicted prisoners -one for every 20 convicted prisoners, including women prisoners.. A FM Radio station is functioning within the jail run by prisoners themselves. Different types of music, including devotional/film music are played daily on requests from prisoners

at regular intervals. Connections for broadcasting the programs have been provided in every ward.

Jail Canteen

It is seen that canteen facilities are available to the inmates.

Vocational activities

It is seen that the jail has taken up several vocational/ industrial activities to keep the prisoners engaged, including items like carpentry, masonry, power-loom weaving, tailoring, handicrafts, bakery, painting and laundry. Work sheds were in very good condition. It is seen that Messrs. Ghatge Patil Industries, has set up a small foundry inside the Jail and has outsourced some of its work since May 2016. This arrangement is reportedly based on a tripartite agreement between the company, the central prison authorities and the Government Polytechnic, which provides basic classroom and hands-on training to the prisoners. Most of those who are involved are LI prisoners and are close to the end of their jail term. The company provides assembly skill training. Out of their daily earnings Rs 200/- is paid by company and Rs.55 met by the jail. Their wages are deposited in their accounts of which 1/10 is kept back as saving. They are allowed to spend the rest. In addition to daily wages, many are entitled to a week of remission in their sentence for every four weeks they work. It is expected that the prisoners are almost sure of getting a job in Kolhapur with the foundry once they leave the jail.

In Maharashtra every skilled prisoner is paid wages at the rate of Rs. 55/- per day; semi-skilled Rs 50/-and unskilled prisoners are paid Rs.45/- which appear to be far too low. The rates need to be revised on par with those sanctioned in states like Bihar. Older prisoners also need to be engaged in easy items of work.

Drug De-addiction program

It was reported in the media that a truck driver was allegedly caught smuggling drugs and some cell phones into the jail ostensibly in the name of transporting construction materials, in October, 2017. He was apparently arrested and a case was filed under NDPS Act. This was confirmed by an NGO on informal basis, after my visit to the prison was over. This matter ought to have been investigated thoroughly. Raids ought to have been conducted within the jail to identify who are

behind drug trafficking in jail. District Magistrate/SP ought to look into the matter without any further delay.

No Drug De-addiction program is being organized in the jail. Since drug addiction is common among prisoners, it would be necessary to conduct a special drive to find out the number of prisoners involved. Those involved ought to be provided necessary counseling and treatment.

Role of NGOs

It was stated that services of 10-12 Non Governmental Organizations (NGOs) are being utilized in the prison for various items of work.

Inspections

It was stated that regular inspections are conducted by IG (prisons), DIG (Prisons) and other senior officials. District Judge and CJM visit the jail regularly.

Security

Jail authorities claimed that the jail had necessary modern equipment including VHF units, door frame metal detector, hand held metal detector, deep search metal mine detector, mobile jammer, 59 CCTVs have been installed in all barracks, circle areas, hospital and high security area for manning which an office has been set up. A separate officer and jail constables are manning this unit. 25 walkie-talkies have also been provided for controlling and maintaining security in the jail. It is learned that out of sanctioned posts of 108 security staff (Sepoys) only 91 are filled up; out of 16 posts of Hawaldar, only 13 are filled up. Only 03 posts of *Subedar* are filled up (3/6). Security of the prison ought to be reviewed from time to time by higher authorities.

Solar Lighting/water harvesting

Many jails in the country have shifted to alternate energy uses for a variety of purposes. Solar lighting/heating have been not yet been introduced so far in the jail. Water harvesting facilities also ought to be introduced in the prison.

Training

It is very important to train jail officials and subordinate staff in their day to day dealing with prisoners and human rights issues concerning them, especially keeping in view the alleged custodial deaths. It is learned that regular training programs are being organized.

Budget

It was confirmed that sufficient funds are available for jail activities.

It was reported that a grant of Rs 12.80 crores has been provided for the period 2017-18, which includes diet and wages of the prisoners, apart from other administrative expenses..

To ensure more efficiency it would be useful to allow the jail to have Rs.10 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

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

Modernization

It was stated that several initiatives have been taken for modernization of the systems including Prison Management (PRISM) and Tele- medicine. The Prison Department of Maharashtra has launched PRISM program through which data is collected from prisons across the state on prisoners is maintained by making use of their photographs and finger prints. The data is served in separate servers. 25 computers along with accessories have been received. Training is given to one officer and 10 constables and data entry is being made in all categories under PRISM. As mentioned Tele-medicine facility has been in use since June, 2017. Video conferencing facility has been installed for easy production of prisoners before the courts. Other important reforms like e-Mulakat (computerized programs for communication with family members) ought to be taken up.

Observations/ Recommendations:- Central Prison , Kolhapur is one of the largest prisons in Maharashtra and is also one of the best jails I have visited so far. Apart

from providing basic minimum facilities to prisoners, it has been able to run some of the most innovative programs in jail like the tie-up with a private company for setting up a foundry involving convicts to help them earn a good income and helping their rehabilitation, program for making 'ladoos' for local Devi temple, setting up a bakery with multiple products, FM radio for prisoner's entertainment, organizing meetings between prisoners and their children etc. The present Superintendent and his team have shown considerable initiative and enthusiasm in successfully running these programs. It is seen that programs have also been taken up for the mental well being of the inmates with the help of reputed organizations. One dark area concerns alleged unnatural deaths in the prison. Jail authorities should look into their root causes. Training in human rights ought to be made compulsory for all officials and staff. The impact of these trainings ought to be evaluated. Trafficking and alleged abuse of drugs within the prison needs special attention. An open and transparent complaint redressal system also needs to be set up quickly.

Specific recommendations in respect of this jail are summarized below. General recommendations/suggestions have been included in part-1 of this report.

1. Posting a regular Jail Superintendent
2. Prison management by *trained prison officials* to prevent abuse of prisoners
3. Filling up of vacancies/creation of new posts, especially Medical/educational/administrative staff
4. To reducing under trial population/regular production before courts- convene regular meetings of the committee headed by the DJ with DM/SP as members, to review legal and other issues concerning prisoners.
5. To review status of high security prisoners, periodically.
6. To take steps to prevent illegal custodial deaths- fix accountability in past cases and take administrative/ legal action against those found guilty
7. Compliance of NHRC guidelines on mental illnesses
8. Women prisoners/children-full compliance of SC-directions

9. Setting up modern Telephone Management System/introduction of E. mulakat
10. To put in place an efficient Complaint Management System
10. Sanction of untied funds
11. Involvement of additional NGOs in various activities
12. Regular inspections and follow up action
13. Training and sensitization of jail officials and staff in human rights issues concerning prisoners
14. Installation of solar lighting/heating /water harvesting /recycling facilities
15. Use technology to prevent corruption at all levels.

----- (PTO)

PART-111

REPORT ON VISIT TO DISTRICT PRISON CLASS 11 SATARA ON 27 NOVEMBER , 2017

----- S. Jalaja, Spl. Rapporteur, NHRC

Satara is a district of Maharashtra state in western India which comes under the administrative Division of Pune . It has an area of 10,480 km² and a population of 3,003,741.

Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **6,086** crimes, Satara district in Maharashtra stood 106 th in all crime records in India .It reported a crime rate of 202.61 compared to National crime rate of **218.67** in 2013.

In Satara , the highest crime is **Dacoity** where as lowest crime is **Theft** in 2013. It stood **85th** in no of murders, **57th** in no of rapes, **12th** in no of robberies, **40th** in no of thefts, **5th** in no of dacoities, **168th** in no of kidnappings, **32nd** in no of riots.

Jail Profile and history

The District Prison Satara was established in 1889, during the British period. Buildings are very old reflecting Portuguese architecture. It is a historic monument where many of the freedom fighters were housed during the British period. Satara District jail (class-11) is reportedly proposed for inclusion in the heritage list.

Land and infrastructure

The jail is spread over an area of 2ha and 23ares. The entire jail campus is well maintained. Area outside the buildings are concreted leaving space for trees, shrubs and ornamental plants. The jail infrastructure comprises of 02 barracks and 15 cells for male prisoners and 04 cells for women prisoners.

Manpower

Against a sanctioned staff strength of 56, only 53 posts are filled up; only 03 posts are stated to be vacant. *The post of Superintendent of the prison is reported as vacant.* Two other posts vacant are that of Jailor Gr.11 and Senior Clerk.

Jail capacity and occupancy

Against a sanctioned capacity of 168 (159 male and 09 female), 328 (316 male and 12 female) prisoners are lodged in the jail. No children are reported to be staying with their mothers. Pregnant women prisoners were also absent. As the prison population exceeds the capacity sanctioned, there is some over-crowding in this jail.

Category-wise details of prisoners

Classification of Prisoners. In Maharashtra prisoners are classified as class I or class II by the Court after taking into consideration their status in society and also the nature of the offence committed. They are further classified as casuals, habitual offenders, under-trials and high security prisoners or détentes. Prisoners are also grouped as short termers, or medium termers.

Under trial prisoners

Only under trial prisoners are kept in this jail. According to data provided by the jail administration regarding length of stay of under trial prisoners, 201 prisoners (196 male;05 female) are staying for 06 months; 33 (30 male; 03 female) UTs for 06 months to one year, 82 UTs (78 male; 04 female) for 01- 02 years, **07 and 05**

male prisoners for 2-3 years and 4-5 years respectively. It was stated that *in the absence of police escort prison authorities find it difficult to produce all prisoners before the courts.*

Authorities ought to make an 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.

High Security Prisoners

No high security prisoners are reported to be lodged in this prison.

Elderly prisoners

There are 07 UT prisoners above the age of 60 years lodged in this prison

Extremist prisoners

No extremist prisoner is lodged in this prison.

Mentally ill prisoners

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc It was reported that screening for mental illness is conducted at the time of admission and that *no mentally ill prisoners are kept in this jail.* It was stated that no psychiatrist is available in the Civil Hospital Satara. Although it was stated that screening for mental health is done at the time of admission it needs to be conducted on a regular basis, with the help of a team from nearby Ratnagiri Mental hospital.

Condition of prisoners.

I visited some of the wards and had interactions with the inmates. There was overcrowding seen in the wards. Both barracks and all 15 cells are seen occupied. It was seen that against a sanctioned capacity of 50, 100 prisoners are lodged in barrack No.1. The wards were generally clean and were seen fitted with grilled doors, which let in air. Lights and fans were in working condition. All wards were seen provided with pipe water, fans and exhaust fans. The condition of two toilets inside was satisfactory. Drinking water was available . Color TV sets have been

provided in every ward . CCTVs were seen installed which were in working condition. Open platforms were available for bathing.

Prisoners were provided with indoor games facility. It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc.

I spoke to some of the inmates. Vijay Ramachandra Shinde 38 is booked in a case u/s 302 IPC and has been in jail for *last four years*. Ramdas Yadav 37 too has a case against him u/s 302 IPC and has been in jail for *more than 2 1/2 years*. Booked u/s 302 IPC Kashinath Kale 24 stated that he has been in jail for *more than three years*. Jail authorities pointed out that he has been booked for allegedly committing four different crimes. Ram Jatan Yadav 42 also has a case filed u/s 302 IPC against him and *has been in jail for five years and two months..* He complained that he was not been produced *in the court for want of guards to escort him*. Santosh Hanumanth Patel 25 also has a murder case against him and has been in jail *for 03 years*. He also complained that no date has been fixed by the court for his production before it. Rahul Gangadhar has a case against him u/s 379. He suffered from mental illness and has now returned after treatment. He too complained about non-production before courts. Pandurang Sarvankhe 65 was booked u/s 436, and 420 and under Arms Act. *He secured bail from the court but for want of surety continues to remain in jail*. Sagar Gokul Raje 25 has cases against him u/s 397, and 334 IPC and has been *in jail for last 05 years..*

One of the prisoners complained about poor quality of food and lack of hospital facilities. Although it was claimed that the inmates are provided with all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc one of the prisoners complained that no blankets have been supplied .

Women Prisoners

12 female prisoners are lodged in 04 barracks. As already mentioned no children or pregnant women were reported to be present at the time of the visit.

The building wherein the cells are located, though old, looked clean and well kept. There were no windows in the barracks. Instead . The barracks have very old doors having iron bars which let in lot of air from outside. Wards had sufficient ventilation. Lights and fans were in working condition. Pipe water supply is available for drinking purpose, although no RO system is seen installed. The

bathroom , 04 toilet inside (for night use) and 01 toilet outside for day use were in fairly good condition. A TV set is installed for their entertainment.

All 12 women lodged in the prison were under trials I spoke to some of the women prisoners. Jyoti Pandurang Mandre 35 is allegedly involved in a murder case and has been in jail for 11/2 years. Jyoti Kashinath Chikne 26 is also involved in a case under 302 IPC and has spent 11/2 years in jail. With a case against her u/s 302 IPC, Sonali Balaji Khashid 26 has also been in jail for more than 1 1/2 years. Komal Hanmath Kengar 23 has a case against her for illegal trafficking u/s 370(A) (2) IPC. Vaishali Prakash Jhadav 37 is booked u/s 420 IPC. She has total four cases against her and now only one remains. She stated that she has been in jail for 02 years. Mangal Shivaji Sonewalkar 50 is in jail for allegedly violating provisions of the SC/ST Act and has been in jail for the last one and a half years. Incidentally, I was meeting an accused under this Act for the first time in a jail. The prisoners stated that food supplied was satisfactory and that they had no complaints, except that the cases against them should be speeded up.

As for health care of women prisoners is concerned, a woman doctor is said to visit the jail on rotational basis. No teacher is engaged to teach the prisoners. No vocational training is currently being organized. Although indoor facilities like carom are stated to be available, no outdoor sports activities are, however, being organized for women prisoners.

The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4 2006) has issued detailed guidelines on the care of women and children incarcerated in jails. These guidelines ought to be strictly followed.

Custodial Deaths /violence

No custodial death was reported in the jail in last three years.

Escape of prisoners/jail break

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

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water is being supplied to the jail . However, no RO system is seen installed. As far as sanitation facilities are concerned every barrack has a cage toilet. Toilets outside for day use are available in adequate numbers. Water was available in the toilets. Toilets were generally clean and well maintained. Bath rooms are available for female prisoners and bathing platforms provided for male prisoners.

Power Supply

24 hour power supply is available in the jail. A generator of 30 KV capacity is installed as back up.

Food supply

The jail kitchen is located in an old building with tin roof and is in poor condition. It has two rooms-one is used in cooking the other for stacking cooking utensils and vessels. Ventilation is available. Exhaust fans are fitted on the walls. Tap water supply is available for cooking, washing and cleaning purposes. LPG is available for cooking.

It was mentioned that the inmates are provided three main meals, including breakfast, lunch and dinner. Food supplied is on calorie basis. There were some complaints about the quality of food served to the prisoners . Per head cost of food was reported as Rs.32/- only, which is indeed very low.

Education

Education is pursued in the prison as an important means of reformation of prisoners. It implies providing not only literacy but also inculcating values among prisoners. Not much attention has been paid to the area of education in the prison, probably because it is a remand jail. It was stated that only 10% of the prison population is illiterate. No teachers are posted. At least efforts ought to have been made in selecting volunteers among female and male prisoners who could teach others.

Efforts ought to be made to provide opportunity for higher education and degree accreditation through Indira Gandhi Open University (IGNOU) and other universities, however short the prisoner's stay in the jail be. Some of the jails have

reported that apart from imparting formal education, prisoners are also trained in social skills and urged to take up good personal habits like personal hygiene, good house - keeping, use of library and reading news papers, good communication, self discipline and having a helpful attitude etc. This could be introduced in this jail too.

Health care

No regular hospital facilities are available in the jail. Only a dispensary has been set up. A lady doctor/ Medical Officer from Civil Hospital Satara visits the jail on deputation on rotation basis. No Para- medical staff is available except a Pharmacist. The jail also has no pathology laboratory. The jail depends on the nearby Govt. Hospital for indoor treatment of patients. They are also referred to Civil Hospital, Satara, Sassoon Hospital, Pune and JJ Hospital, Bombay as per need. However, getting police escort for prisoners to be sent to hospitals is pointed out as a problem. OPD attendance reported was 25-30 for male prisoners and 2-4 for female prisoners.

A team of specialists also ought to visit the jail at least on monthly basis .The medical team also organizes various medical camps for skin diseases, eye camps dental camps etc from time to time.

Medicines are reportedly supplied by the Maharashtra Medical Supplies Corporation. In emergency local purchases are also made. At present no shortage of medicines was reported.

Since more than three hundred prisoners are lodged in this prison, it is essential to post a medical officer on regular basis. A post of MO ought to be created for this purpose on long term basis.

Video-conferencing

Video-conferencing facility is available in the jail. A separate room is set up for this purpose. Prisoners are produced before courts using this facility. It was stated that on the average only 10-15 prisoners are produced before the courts through video conferencing, Focus should be not only on numbers, but also on the quality of production of prisoners through video-conferencing .

Legal Aid

It was stated that legal aid is being provided to prisoners. District Legal Services Authority (DLSA) is stated to be active. 03 advocates (01 male; 02 woman) visit the jail and provide counseling and legal aid. It was stated that camps are organized by DSLA once in every three months. DSLA needs to be actively involved in legal counseling and assistance to the inmates as it is seen that a good number of prisoners are languishing in jail as under trials.

It was stated that social workers from Police Mitra and Inner Wheels Club provide counseling to prisoners.

Sanction of bail

It was stated that there are 15-20 prisoners are languishing in jail after getting bail, for want of sureties. DLSA Ought to look into these cases.

Lok Adalats

It was stated that two *Lok Adalats* are not being organized in the jail.

Parole/ Furlough/ Remission Since this is a class 11 prison having only under trial prisoners parole /furlough and remission are not applicable

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (coin box) are available to prisoners for communicating with their families.

Every under trial prisoner is allowed to meet their family members once in a week. A waiting room with barbed fencing is set apart for visitors. It is very small crowded and noisy. There should be proper arrangement to ensure that each visitor is able to spend quality time with the prisoner.

Board of visitors

It was learned that visitor's Board has not been constituted for the jail. The Board needs to be set up without any further delay..

Complaints management

Two complaint boxes have been installed to receive complaints from prisoners which are to be opened by the Session's Judge, DIG Prisons, Pune . In fact apart from the Sessions judge/it should be the concerned DM (being independent, local) who ought to have the keys and not the officials in the prison hierarchy.

It was stated that JFMC Court also visit the jail every working Saturday. District & Sessions Judge visits the jail once in a month and listen to their problems. 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 2500 books is set up in the jail for use of prisoners. Female prisoners are also provided books to read.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail.

Sports

Outdoor games like volley ball are played by the prisoners. Indoor facilities for playing chess and carom are available. However, no out door sport facilities are available to women prisoners.

Religious activities

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

Yoga/Gym

Facilities for practicing Yoga are available. Yoga is taught to prisoners by trainers from Art of Living Foundation. A batch of 25 prisoners are trained every month. Yoga training ought to be extended to women prisoners.

Recreation It is seen that color TV sets have been provided in all barracks for the entertainment of prisoners. News papers are being supplied to prisoners in different languages. Women prisoners also need to be supplied news papers.

Jail Canteen

It is seen that canteen facilities are not available to the inmates.

Vocational Training

Since this is a remand prison no vocational training is seen taken up .

Drug De-addiction program

No Drug De-addiction program is being organized in the jail. Since drug addiction is common among prisoners, it would be necessary to conduct a special drive to find out the number of prisoners involved. Those involved ought to be provided necessary counseling and treatment.

Role of NGOs

It was stated that services of Non Governmental Organizations (NGOs) like Cooper Udyog Ltd (managing computers/library) and Maitri Foundation are being utilized.

Inspections

It was stated that regular inspections are conducted by IG (Prisons), DIG (Prisons) and other senior officials. Last inspection was conducted by DIG (Prisons) in March. 2017. District Judge and CJM visit the jail regularly.

Security

Jail authorities claimed that the jail had necessary security equipment including , CCTVs, mobile detector, 02 metal detector, 13 mobile jammers etc.

Four Officers, 01 Subhedar, 03 Havalgars and 40 prison sepoy are engaged in providing security to the jail.

Solar Lighting

Many jails in the country have shifted to alternate energy uses for a variety of purposes. Solar lighting/heating have been not yet been introduced so far in the jail.

Training

It is very important to train jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It is learned that no regular training programs are being organized for prison officials and staff .

Budget

It was confirmed that sufficient funds are available for jail activities.

It was reported that out of grant sanctioned for the period 2017 -18 a sum of Rs.17,50,000/- has been provided for diet charges of prisoners and a provision of Rs.21,000/- has been made for prisoner's wages.

To ensure more efficiency it would be useful to allow the jail to have Rs.05 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

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

Modernization

Observations/ Recommendations:-

General recommendations/suggestions have been included in part-1 of this report. However, specific recommendations in respect of this jail are summarized below:-

1. Posting a regular Jail superintendent
2. Up gradation of infrastructure/plan for modernization/construction of new infrastructure
3. Reducing under trial population/regular production before courts- / convene meeting of committee headed by DJ with DM/Sp as members regularly to review problems of prisoners
4. Up-gradation of hospital/Lab facilities
5. Screening for mental illnesses

6. Posting of regular Medical Officer/ Nurse
7. Women prisoners/children-full compliance of SC-directions
8. Setting up modern Telephone Management System/introduction of E. mulakat
9. Put in place a Complaint Management System
10. Sanction of untied funds
11. Involvement of additional NGOs in various activities
12. Introducing solar lighting/heating
13. Regular inspections and follow up action
14. Training of jail officials and staff in human rights issues concerning prisoners
17. Installation of solar lighting/heating facilities/set up water harvesting/recycling facilities

----- (PTO)

PART-1V

REPORT ON VISIT TO SPECIAL PRISON, RATNAGIRI ON 28 NOVEMBER, 2017

----- S. Jalaja, Spl. Rapporteur, NHRC

Situated on the Arabian Sea coast in the south-western part of Maharashtra, Ratnagiri district is a part of Konkan division of Maharashtra.

Crime profile of the district

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **1,568** crimes Ratnagiri district in Maharashtra stood **408th** in all crime records in India. It stood **129th** in no of murders, **117th** in no of rapes, **94th** in no of robberies, **248th** in no of thefts, **38th** in no of dacoities, **211th** in no of kidnapping, **163rd** in no of riots. It reported a crime rate of **97.09** compared to National crime rate **218.67** in 2013.

Jail Profile and history

Special Prison Ratnagiri was originally constructed in 1834 by the Portuguese as an ammunition store; the British started using it as a jail from 1853 onwards. Buildings are very old reflecting Portuguese heritage and architecture. The jail has association with the country's freedom struggle as freedom fighters like Vir Sarvarkar were lodged here for a brief while. Vir Sarvarkar was moved to Ratnagiri jail On 2 May 1921 to remained till 3-9-1923 thereafter moved to Yerwada Central Jail. The Cell where he was incarcerated is preserved today as a museum visited by many tourists. Presently, it stands categorized as a Class-1 Special Prison.

Land and infrastructure

The jail is spread over an area of 5.41ha --1.46 Ha inside the prison compound and rest 3.95 Ha of farm land outside. The entire jail campus is well maintained. Area outside the buildings is concreted and the space between used for growing shrubs and ornamental plants.

The jail infrastructure comprises of 20 barracks and 20 cells for male and 03 barracks for female prisoners. 07 barracks are in disuse.

Manpower

Against a sanctioned staff strength of **52 permanent posts**, 44 posts are filled up; **out of 13 temporary** posts 10 are stated to be filled up. The post of Superintendent of the prison is seen filled up. *Posts of Medical Officer and Nursing orderly are vacant.* 03 posts of Jailor Gr.1 and 11, though temporary, are seen filled up. Posts of senior clerk (01) and clerk are vacant.

Jail capacity and occupancy

Against a sanctioned capacity of **246** (**243** male and **03** female), **145** (**139** male and **06** female) prisoners are lodged in the jail. No children are reported to be staying with their mothers. Pregnant women prisoners were also absent. As the prison population does not exceed the capacity sanctioned, generally there is no over-crowding in this jail.

Category-wise details of prisoners

Classification of Prisoners. In Maharashtra prisoners are classified as class I or class II by the Court after taking into consideration their status in society and also

the nature of the offence committed. They are further classified as casuals, habitual offenders, under-trials and high security prisoners or détentes. Prisoners are also grouped as short termers, or medium termers.

Under trial prisoners

Only 09 prisoners are convicted (05 RI and 04 SI). Remaining 130 are under trial prisoners . According to data provided by the jail administration 28 prisoners are involved in murder cases; 34 prisoners in cases filed u/s 376; 08 prisoners under NDPS Act.59 are *other category* under trials. There is only one detenue. Among the female prisoners all six are booked u/s 302 IPC.

Authorities ought to make an 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.

High Security Prisoners

No high security or extremist prisoners are reported to be lodged in this prison.

Mentally ill prisoners

Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc It was reported It screening for mental illness is conducted at the time of admission and that 03 mentally ill prisoners *are kept in this jail*. They are undergoing treatment by the Regional Mental Hospital, Ratnagiri. However, screening for mental illness needs to be conducted on a regular basis.

Condition of prisoners.

The building wherein the cells are located, though old, looked clean and well kept. The floor is paved with stones. Male prisoners are usually kept in 04 wards with 20 barracks. It is seen that out of 20 barracks only 18 are occupied at present. Sanctioned capacity of each barrack is 12 against which on the average 10-12 prisoners are accommodated in each.

I went round the wards and had interactions with the inmates. I visited Ward no.1 barrack no. 1. The wards were generally clean and were seen fitted with doors

with bars, which let in air. Lights and fans were in working condition. All wards were seen provided with pipe water, fans and exhaust fans. Drinking water was available. The condition of toilets inside was satisfactory. Open platforms were available for bathing. Color TV sets have been provided in every ward. CCTVs were seen installed which were in working condition. It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc. Prisoners were provided with indoor games facility

I spoke to some of the inmates. Amol Chandra Gadve 29 has a case registered against him u/s 302 and has been in jail for last 2/1 years. He confirmed that a lawyer is engaged. Prakahs Laxman Kadam 45 also has a case against him u/s 302 and has been in jail for 21/2 years. Bhupesh Vilas Khare 31 is booked u/s 376 and has spent 03 years in jail. Rizwan Sheikh 40 with a case registered against him u/s 302 IPC has spent 17 months in jail so far. Prathamesh Sawant 22, Rajendra Naval Kishore, Prasant Prabhakar 28, Nikhil Sawant 28, Sivaji Vishe are together allegedly involved in robbery case and have been in jail for last 04 years. The prisoners did not make any complaints.

Women Prisoners Only 06 female prisoners were lodged in the jail at the time of visit. As already mentioned no children or pregnant women were reported to be present at the time of the visit.

Women prisoners are lodged in 03 barracks which were part of an old structure. It had flooring with galvanized Manglore tiles. Although the barracks had no windows their doors had iron bars which let in air from outside. Lights and fans were functional. A cage toilet was available in each barrack. The toilet outside was old but clean. A bathroom is available. It was learned that 02 new toilets and an additional bath room are being constructed. Pipe water supply is available for drinking and washing. No RO system is seen installed.

I spoke to some of the women prisoners. It is seen that all of them are under trials. 03 had been in jail since 2014; two were admitted in 2016 and 01 in 2017. Mumtaza Abubakar Parkar 33 is allegedly involved in a case u/s 302 IPC. She stated that she was innocent and she had no hand in the murder of her uncle. She is in jail since 23-3-16. Priyanka Pravin Sakpal 27 is booked for murder of her husband. It was stated that one more of her friends is also involved. She is in jail since 9-12-2016. Sunanda Misal 41, Yogeeta Santosh Misal 20, Meenakshi Mahera Misal 35 her relatives, her son and son-in-law are allegedly involved in the murder

of another son-in law. They were together admitted on 2-08-14 and have spent more than 31/2 years in jail. The case is said to be in the final stages. Renuka Namdev Karkale 50 is booked for alleged murder of her daughter in law. She was admitted on 06-05-17. All female prisoners confirmed that they have engaged lawyers for defense. They stated that had no complaints.

It was stated that women and their children are taken good care by the administration. Children are provided nutritious diet; they are given milk and fruits. Special attention is given to their medical and educational needs. Recreational facilities are also provided. Special care is also given to pregnant women and new mothers,

Despite the claims made by jail authorities no teacher or lady doctor (or a nurse) is available for the care of women prisoners and their children. The Apex court in RD Upadyay Vs State of Andhra Pradesh (Writ Petition (civil) 559 of 1994 dated 13-4-2006) has issued detailed guidelines on the care of women and children incarcerated in jails. These guidelines ought to be strictly followed

Custodial Deaths /violence

No custodial death was reported in the jail in last three years.

Escape of prisoners/jail break

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

Basic amenities

Water supply and Sanitation

It was mentioned that the jail is connected to Municipal water supply and pipe water is being supplied to the jail . 3 wells are also available in the jail premises. No RO system is seen installed in the jail. As far as sanitation facilities are concerned every male barrack has two toilets inside . Altogether 40 toilets are in working condition; others are under repair. Toilets were generally clean and well maintained. Bathing platforms are provided for male prisoners.

Power Supply

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

Food supply

The jail kitchen is located in an part of the building but was clean. It had windows around for sufficient ventilation . Besides, exhaust fans are fitted on the walls. Tap water supply is available for cooking, washing and cleaning purposes. LPG is available for cooking.

It was mentioned that the inmates are provided three main meals, including breakfast, lunch and dinner.. At the time of visit rice, roti, chana dal and cooked potatoes were being served for dinner. There were no complaints about the quality of food served to the prisoners .

08 prisoner work in two shifts in the kitchen. Those prisoners who work in the kitchen are paid according to nature of their work. Unskilled workers wages fixed at Rs.45/- are being paid to them. Semi skilled get Rs 50/- and skilled workers Rs. 55/- in Maharashtra jails. Wages are credited to the prisoner's account.

Education

It is seen that not much attention has been paid to the area of education in the prison perhaps because majority of prisoners are under trials. Illiteracy reported was only 5-6% among male prisoners whereas all women were stated to be literate. No teachers are seen posted. No teacher is available for teaching women prisoners or their children. At least efforts ought to have been made in selecting volunteers among the prisoners who could teach others.

Efforts ought to be made to provide opportunity for higher education and degree accreditation through Indira Gandhi Open University (IGNOU) and other universities, however short the prisoner's stay in the jail be. Some of the jails have reported that apart from imparting formal education, prisoners are also trained in social skills and urged to take up good personal habits like personal hygiene, good house - keeping. use of library and reading news papers, good communication, self discipline and having a helpful attitude etc. This could be introduced in this jail too.

Health care

No regular hospital facilities are available in the jail. Only a dispensary is available. A doctor from the Civil Hospital, Ratnagiri visits the jail regularly. No para-medical staff is available but a regular Pharmacist is posted. The jail also has no diagnostic laboratory. The jail depends on the nearby Civil Hospital for indoor treatment of patients and diagnostic tests. The Health Dept. has authorized HLL path Lab to conduct diagnostic tests in jails in Maharashtra.. As getting police escort for prisoners to be sent to hospitals is a general problem, the jail ought to have its own mini hospital/dispensary. A team of specialists also ought to visit the jail periodically. An AYUSH doctor also ought to visit the jail. This could be very useful for elderly patients and those who are suffering from chronic diseases. It was reported that the jail has started Tele-medicine facilities recently.

Video-conferencing

Video-conferencing facility is stated to be available in the jail; on the average, 10-12 prisoners are reportedly being produced on daily basis. However, there is a need to use this facility more efficiently as most of the prisoners spend long periods as under trials. Focus should be not only on numbers but also on the quality of production of prisoners through video-conferencing .

Legal Aid

It was stated that legal aid is being provided to prisoners. 06 male prisoners (no female) have been provided legal aid. District Legal Services Authority ought to be more active as it is seen that a good number of prisoners are languishing in jail as under trials.

Sanction of bail

It was stated that no prisoners are languishing in jail after getting bail, for want of sureties.

Lok Adalats

It was stated that two *Lok Adalats* are not being organized in the jail.

Parole/ Furlough/ Remission

It was stated that paroles/furloughs are allowed for short periods only for convicted prisoners.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (coin box) are stated to be available to prisoners.

A separate visitor's room is set up equipped with intercom system and electronic watch. It is however, seen that it is very small crowded and noisy. Under trial prisoners are allowed to meet their family members once in a week and convicts once in a fortnight. There should be proper arrangement to ensure that each visitor is able to spend quality time with the prisoner.

Board of visitors

It was learned that visitor's Board has not been constituted for the jail. The Board needs to be set up without any further delay..

Complaints management

It was stated that judicial/ jail authorities regularly visit the jail and listen to complaints from the inmates. Six complaint boxes have been installed to receive complaints from prisoners. One of them ought to be opened by the DM or his/her nominee. 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 small library with about 199 books is available in the jail for use of prisoners. Female prisoners also ought to be provided books/news papers to read. 15 news papers are being supplied to prisoners.

Cultural programs

It was learned that cultural programs are being regularly organized in the jail.

Sports

Outdoor games like volley ball are played by the prisoners. Indoor facilities for playing chess and carom are available. However, no out door sport facilities are available to women prisoners. It was pointed out that due to constraints of space this has not been taken up.

Religious activities

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

Yoga/Gym

Facilities for practicing Yoga are available. Patanjali Yoga and Art of Living Foundation are engaged in Yoga training. Yoga training ought to be extended to women prisoners.

Jail Canteen

It is seen that canteen facilities are not available to the inmates.

Vocational Training

No vocational training is taken up for prisoners in this jail .

Drug De-addiction program

No Drug De-addiction program is being organized in the jail. Since drug addiction is common among prisoners, it would be necessary to conduct a special drive to find out the number of prisoners involved. Those involved ought to be provided necessary counseling and treatment.

Role of NGOs

It was stated that services of Non Governmental Organizations (NGOs) are not being utilized at present.

Inspections

It was stated that regular inspections are conducted by IG (prisons), DIG (Prisons) and other senior officials. Last inspection was by the DIG in October, 2017. Judicial authorities also visit the jail regularly.

Security

32 CCTVs have been installed and all are stated to be in working condition. The jail has no security tower. Posts of 65 Jail Guards have been sanctioned for the jail out of which 11 posts are vacant.

Solar Lighting/water harvesting

Many jails in the country have shifted to alternate energy uses for a variety of purposes. Solar lighting/heating / water harvesting have been not yet been introduced in the jail.

Training

It is learned that no regular training programs are being organized for prison officials and staff and only some staff were trained.

Budget

It was confirmed that sufficient funds are available for jail activities. Details were not provided.

To ensure more efficiency it would be useful to allow the jail to have Rs.05 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

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

Modernization

It was stated that several initiatives have been taken for modernization of the systems including Prison Management (PRISM) and Tele- medicine. The Prison Department of Maharashtra has launched PRISM program through which data is collected from prisons across the state on prisoners by making use of their photographs and finger prints. The data is served in separate servers. Tele medicine facility has been in use since 2017. Video conferencing facility has been installed for easy production of prisoners before the courts.

Observations/ Recommendations:-

General recommendations/suggestions have been included in part-1 of this report. However, specific recommendations in respect of this jail are summarized below:-

1. Up gradation of infrastructure/plan for modernization/construction of new infrastructure
2. Reducing under trial population/regular production before courts/ cConvene meeting of committee headed by DJ with DM/Sp as members regularly to review legal and other issues concerning prisoners
3. Posting of a regular Medical Officer / ANM /Up-gradation of hospital/Lab facilities
4. Regular screening for mental illnesses
8. Posting of regular male and female teachers
9. Women prisoners/children-full compliance of SC-directions
10. Setting up modern Telephone Management System/introduction of E. mulakat
11. Put in place an effective Complaint Management system
12. Sanction of untied funds
13. Involvement of additional NGOs in various activities
14. Regular inspections and follow up action
15. Training of jail officials and staff in human rights issues concerning prisoners
16. Installation of solar lighting/heating facilities/ set up water harvesting/recycling facilities

----- (PTO)

PART-V

**REPORT ON VISIT TO DISTRICT JAIL CLASS- 1 , SINDHUDURG,
MAHARASHTRA ON 29-11-2017**

-- S. Jalaja, Special Rapporteur, NHRC

Sindhudurg district in Maharashtra is situated between the Arabian Sea and the Sahyadri Mountains in southern part of Konkan region, just north of Goa .

Crime profile

As per report of the National Crimes Record Bureau of (NCRB), 2013, with a record of **841** crimes Sindhudurg district in Maharashtra stood **474th** in all crime records in **2013**. *Sindhudurg reported a crime rate of 98.98 compared to National crime rate 218.67 in 2013*. It ranked **135th** in no of murders, **133rd** in no of rapes, **118th** in no of robberies, **332nd** in no of thefts, **43rd** in no of dacoities, **219th** in no of kidnappings, **197th** in no of riots

Jail Profile and history

District Prison Class-1, Sindhudurg, is a new jail which was established at Oros, headquarters of the district on 16-05-2016. It was learned that construction of the prison buildings was taken up with funds received under the 13th Finance Commission. It reportedly took 10 years to complete its construction.

Land and infrastructure

The jail has a total extent of 07 hectares of land around it. There are altogether 14 barracks s, including 08 Circle barracks, 02 Hospital barracks, 02 kitchen barracks and 02 female barracks..

While taking a round of the prison, the Superintendent in charge pointed out certain defects in its construction.- perimeter walls not having required heights, wall full of holes due to non plastering, distant location of blocks within the campus, seepage of rain water in women's block, non closure of windows, open doors without protection against sun and wind etc. These defects need to be taken up with the construction agency. Land around the blocks are undulating ,with lot of wild growth. Land leveling ought to have been done before construction. Whatever can be defects can be corrected need to be taken up on priority.

Manpower

It is seen that against a sanctioned staff strength of **37**, **27** posts are filled up; **08** posts are stated to be vacant. It is seen that some of the essential posts-- **02** posts of Superintendents Class 11, **01** post of Administrative Officer, **01** Medical Officer, **01** Compounder, are not filled up. Only one post of Jailor Gr.1, Office Superintendent, and senior clerk are seen filled up.

Jail capacity and occupancy Against a sanctioned capacity of 120 (96 male and 24 female), only 61 male prisoners are kept in the jail.

Category-wise details of prisoners

Of the 61 convicted prisoners 26 were awarded Rigorous Imprisonment (RI) and 35 Simple Imprisonment (SI).

Mentally ill prisoners

It was stated that at present no prisoner is identified as mentally ill. Prisoners generally suffer from a variety of mental illnesses like Schizophrenia, depression, anxiety disorders, bipolar disorder, dementia etc. It needs to be ensured that proper screening for mental illness is conducted at the time of admission and subsequently, on regular basis.

Condition of prisoners.

I went around the barracks and had interactions with the inmates. The wards were generally clean and had enough ventilation. Lights and fans were in working condition. The condition of toilets was generally satisfactory. Drinking water was available. Prisoners are also provided all essential items of daily use like clothing, linen, blankets, mat, towels etc. TV sets have been provided in every ward.

Ward No.1 is located near the kitchen. Against a sanctioned strength of 12 actual occupancy was 30. I spoke to some of the prisoners. Nabi Hussein Ali 23 is convicted for theft for one year. Ashok Raghunath pandey 67 is convicted in a case u/s 457 IPC for three years . He has spent 1 1/2 years in jail. He has filed an appeal. Hamid Mansuri 28, Md. Idris 27 are former employer and employee. The former stated that he has been kept in jail for two months for abusing BMC officials. His case needs to be looked into.

Ward No.2 also had 31 prisoners. Nur Nabi Sheikh 28 is convicted for theft u/s 380 IPC for 02 years and payment of a fine of Rs.50,000/-.He has already spent 28 months as he was unable to pay the fine. Sanjay Kumar Ram Sevak 27 is convicted for 04 years u/s 328 IPC. He has already spent 2 1/2 years in jail. Prakash Prasad 45 is convicted for Robbery u/s 395/397 IPC for four years. He has already spent 3 1/2 years in jail. Md. Wasim Akhbar Khan 32 was booked u/s 308 IPC and is

convicted for 03 years. He has spent 23 years months in jail. Bala Eriamanna Tingari 34 is convicted in a case u/s 354 B for 03 years has been in jail for the last 22 months. Convicted u/s 376 IPC for 05 years Samir Vasant Sigual 21 has already spent 3 years in jail. Rajaram Vipugaradkar 65 is convicted u/s 307 for 05 years. He has spent only 06 months in jail so far. Nilesh Savalo was convicted for 03 years in a case filed u/s 379. He got bail. But without a valid identity card he is unable to avail it. It is seen that jail authorities are helping him to get one.

Although the jail is located in an isolated place and is still not ready for use, the prisoners stated that they are more than compensated by the attitude of the jail officials towards them . The Superintendent of the jail seemed to be enthusiastic and concerned with prisoners' welfare.

Custodial Deaths /violence

No incident was reported by the jail authorities.

Escape of prisoners/jail break

No such incident was reported in the jail.

Video-conferencing

Video-conferencing facilities are available in the jail and is said to be functional . The number and quality of production of prisoners through video-conferencing need to be improved.

Sanction of bail

It was stated that only one prisoner is languishing in jail after getting bail, for his inability to deposit Rs.50.000/- . Their cases ought to be taken up on priority.

Lok Adalats

It was stated that although the CJM visits the jail, *Lok Adalats* are not being organized. This should be taken up on priority.

Parole/ Remission

It was stated that in Maharashtra paroles are sanctioned by the Divisional Commissioner and furloughs by the DIG. Since most of the prisoners will be

released in the near future no cases are pending for sanction. Remissions are as per provisions in the jail manual.

Legal Aid

District Legal Services Authority (DLSA) has only started functioning now. Four advocates deputed by DSLA visit the jail and provide legal assistance to prisoners.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water supply is currently being provided in the jail from a bore well. A sum of Rs 20/- lakhs is to be deposited for a Municipal supply connection. RO system is not yet installed.

As far as sanitation facilities are concerned being a new jail adequate number of toilets are said to be available, which were seen generally kept clean.

Power Supply

24 hour power supply is available in the jail. A generator is to be installed as back up.

Food supply

The kitchen is large and well ventilated. Pipe water supply is available for cooking, washing and cleaning purposes. LPG is available for cooking. Prisoners work in batches in the kitchen. Rs. 30/- per prisoner is being spent as expenditure on food which is very low. Rice, bread, *dal* and vegetables were being served for dinner at the time of visit.

Education

It was stated that nearly 40% of the prison population is illiterate. Although it was stated that Sarva Siksha Abhiyan (SSA) is being implemented, only one regular teacher is deputed to the jail. One woman constable teaches women prisoners. The prison has tie up with Yashwat Rao Chauhan Center. While emphasis on higher education is welcome, it is necessary to provide basic education to those who are

illiterate or semi literate. Regular teachers ought to be deputed. Volunteers from among convicted prisoners-both male and female could be trained.

Health care

Although a hospital block has been constructed, the hospital is not functional. Health care is managed through a visiting doctor who visits the jail twice a week. A regular medical officer should be posted quickly without any further delay. A Pharmacist ought to be posted. One of the convicts also needs to be trained in health care as Para-medic. Individual medical records of prisoners need to be maintained ; they also need to be computerized.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs are not available to prisoners for communication with their families. A modern PCO facility ought to be installed in the jail without any further delay. In the absence of the facility, prisoners are bound to use mobile facilities illegally.

Although a separate room has been set apart for visitors the arrangements are still incomplete. A sum of Rs 8 lakhs has been sanctioned to PWD for partition and interior works. Visitors are allowed only once in a fortnight. They are allowed to send letters home. Apart from keeping a record of all visitors, a modern VMS is yet to be introduced in the jail.

Board of visitors

It was learned that visitor's Board has not been constituted for the jail. The Board needs to be set up and its functioning monitored closely.

Complaints management

It was stated that the District and Sessions Judge , CJM and senior functionaries in the prison administration visit the jail regularly and hear the prisoner's complaints. There is every need to have prisoner's Durbar in which the District Collector and SP ought to have periodic interaction with the prisoners.

Library

No library is functional in the jail..

Cultural programs

It was stated that cultural programs, including musical programs, are being organized in the jail.

Sports Outdoor games like volley ball are played by the prisoners. Indoor sports facilities for playing chess and Carom are available.

Religious activities

Prisoners are allowed to have their own religious practices.

Yoga/Gym

Facilities for practicing Yoga are at present available. Training ought to be provided to volunteers among prisoners who could teach others.. No Gym is available.

Recreation It is seen that color TV sets have been provided in all wards for the entertainment of the prisoners. News papers are being supplied to prisoners.

Vocational Training/employment

No vocational training is being organized for prisoners at present. Vocational training in different trades needs to be introduced .

Drug De-addiction program

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

Role of NGOs

Services of Non Governmental Organization (NGO) are not being currently utilized at present..

Inspections

It was stated that regular inspections are being conducted by jail authorities. It was mentioned that the last inspection was conducted by the DIG (Prisons) on 1-9-17.

Security

Security arrangement appears to be *inadequate*. Security of the jail is maintained with the help of 03 officers and 22 guards. It was pointed out that there is no Guard room or weapon's room in the jail.

Solar Lighting/water harvesting/ recycling

Solar lighting or heating/ water harvesting/recycling ought to be a part of any modern jail. They are yet to be taken up in this prison.

Training

It is very important to train the Jail officials and subordinate staff in dealing with prisoners and human rights issues concerning them. It was stated that trainings are being organized by the Head Office, Pune.

Budget

It was reported that a grant of Rs.70.40 lakhs was sanctioned for the current financial year (2017-18) against which expenditure reported so far was Rs.59.93 lakhs. Salary constitutes major share of the budget (Rs.64.00 lakhs). Diet charges of prisoners reported were Rs.45,000 only. Rs.25,000/- is kept apart as wages.

To ensure more efficiency, it would be useful to allow the jail to have Rs.10 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

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

Modernization

Like in other prisons in Maharashtra Prison Management Program -PRISM-has been introduced in this prison .Tele Medicine facility has also been started. Video-conferencing facility is also being used in the jail.

Observations/ Recommendations:-

A district jail is usually seen set up in every district head quarters in the states. Therefore, it is not surprising that a modern Class-1 district prison has been established in Oros, head quarters of Sindhudurg district too, with funds received from the 13th Finance Commission. However, as per 2011 Census, Sindhudurg district is the least populous among all districts in Maharashtra. It is also one of the districts in the country where the incidence of crimes reported is very low. At present, it seems that there is difficulty in finding sufficient number of prisoners to be accommodated in this prison. It also appears that majority of the 61 prisoners presently lodged here are likely to be released shortly, after completion of their terms. The only option appears to be transfer prisoners from Class-11 prison at Sawantwadi, after merger of the two prisons for optimum use of resources. However, before a final decision is taken the defects pointed out need to be rectified.

General recommendations/suggestions regarding the prisons visited have been included in part-1 of this report. However specific recommendations in respect of this prison are summarized below:-

1. Action plan for completion of the prison infrastructure/ rectification of defects/ land leveling /landscaping/ land utilization for various purposes
2. Filling up of staff vacancies
3. Completion of female wards- rectification of defects-organize facilities for women prisoners/children by full compliance of SC-directions before they are moved in.
4. Up-gradation of hospital/Lab facilities/posting of regular doctors/Nurses/ medical/ Para medical staff
5. Screening for mental illness/TB Malaria/HIV/AIDS
6. Taking care of the mentally ill-counseling of prisoners with the help of reputed institutions
6. Setting up facilities for literacy and basic education programs-higher education programs
7. Setting up modern Telephone System/Visitor Management System (VMS)

11. Putting in place a proper complaint management system
12. Start vocational /industrial activity
13. Sanction of untied funds
14. Involvement of NGOs in various activities
15. Review of security
16. Install solar lighting and heating systems/ Set up water harvesting/recycling facilities.
17. Training of jail officials and staff in human rights issues concerning prisoners.
18. Convene meeting of committee headed by DJ with DM/Sp as members regularly to review problems of prisoners

True modernization involves reforms in the management of prisons and the way prisoners are treated; providing them timely legal support; improving the quality of life of prisoners through better education and health care, attending to their spiritual needs and use of technology to reduce corruption at all levels.

PART- VI

REPORT ON VISIT TO DISTRICT JAIL CLASS-11, SAWATWADI, MAHARASHTRA ON 29-11-2017

-----S. Jalaja, Special Rapporteur, NHRC

Jail Profile and history

Sawantwadi District Prison Class-11 was originally constructed by the Portuguese in 1835 for using it as their ammunition store. Later, in 1882, the British converted it into a prison. Today it is a heritage monument.

Land and infrastructure

The prison has a land area of 0.81.20Ha. The jail infrastructure comprises of 10 barracks for male and 03 for women.

Manpower

It is seen that against a sanctioned staff strength of 17 permanent and 08 temporary posts, 15 permanent and 07 temporary posts are filled up. Total 03 posts are vacant. *The post of Superintendent (01) is neither created nor filled up.* Posts of Jailor Gr.1 (01), Jailor Gr.11 (03) are seen filled up. However, posts of Medical Officer, senior clerk, Pharmacist, medical technicians, and nursing orderlies have not been created. All important posts need to be sanctioned and filled up without any further delay.

Jail capacity and occupancy Against a sanctioned capacity of 78 (56 male and 22 female) only 24 male prisoners are lodged in the jail.

Category-wise details of prisoners

It is learned that all except one convicted prisoner are under trials. The convicted prisoner is undergoing Rigorous Imprisonment (RI). Other categories of prisoners like elderly prisoners, mentally ill prisoners, extremist prisoners were not present.

Under trial prisoners

Under trial prisoners constitute roughly 96% of the jail population. Of the 24 UT prisoners 08 are booked for murder u/s 302 IPC, 04 for Rape u/s 376 IPC and 11 others under various other sections of IPC. There were no NDPS prisoners or *detenués* lodged in the jail.

Condition of prisoners.

I visited the different barracks in the jail and had interactions with the inmates. The barracks have verandas outside running along the entire building, in Portuguese style. The barracks mostly have doors with iron bars across permitting ventilation. The wards were kept clean. Fans and lights were in working condition. Drinking water is available. Wards have three attached toilets available for night use. The condition of toilets was satisfactory. TV sets have been provided in every ward. Bedding, blankets, bed sheets and mosquito nets have also been provided to the inmates. It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc. Prisoners were provided with indoor games facility.

Hodiwala Daji Nikam 20 is the only convicted prisoner present. He was convicted u/s 380 IPC. It is seen that all under trial prisoners were admitted here in 2016 or 2017. Out of 23 under trials present, 8 are allegedly involved in cases u/s 302 IPC; 04 u/s 376 IPC and 380 IPC each.

I spoke to some of the inmates Sadashiv Munjim 45 has a case registered against him u/s 302 and has been in jail for last one year. The cases is said to be at trial stage. He confirmed that a lawyer is engaged. Santosh Velli 32 also has a case against him u/s 302 and has been in jail for 11 months. Dhanaji Navnath Ahire 27 is booked u/s 376 and has spent 05 months in jail. Mangesh Parab 32 with a case registered against him u/s 307 IPC complained that he is innocent and has been wrongly implicated by issuing a wrong warrant against him. This needs to be looked into by the authorities. Vilas Toni is allegedly involved in a murder case and has been in jail for last 14 months Dinakar Shankar Palav is booked u/s 420 and is in jail for last 02 months. Narayan Chauhan 34 is also has a case filed u/s 302 IPC against him and has spent 19 months in jails. Prisoners did not complain about quality of food supplied and lack of hospital facilities

Women Prisoners No female prisoners were lodged in the jail at the time of visit. As already mentioned no children or pregnant women were reported to be present at the time of the visit.

Custodial Deaths /violence

No custodial death was reported in the jail in last three years.

Escape of prisoners/jail break

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

Basic amenities

Water supply and Sanitation

It was mentioned that the jail is connected to Municipal water supply and pipe water is being supplied to the jail . Water purifiers are seen installed for providing safe drinking water to the inmates. It was stated that they have been installed utilizing MLA funds. As far as sanitation facilities are concerned every male barrack has two toilets inside and 04 outside; female barracks have 01 inside toilets and 03 outside. Toilets were generally clean and well maintained. Bath rooms are available for both female and male prisoners.

Power Supply

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

Food supply

The jail kitchen is located in an old part of the building but was clean. It had windows for sufficient ventilation. Besides, exhaust fans are fitted on the walls. Tap water supply is available for cooking, washing and cleaning purposes. LPG is available for cooking.

Two prisoners Shaji 30 and Vasu 37 were cooking dinner for the inmates. Both of them come from Kerala and have spent 19 months in jail in connection with a murder case.

It was mentioned that the inmates are provided three main meals, including breakfast, lunch and dinner.. At the time of visit rice, *roti*, *chana dal* and a vegetable (beans) were being served for dinner. It was stated that every prisoner is provided a banana each and 100 ml of milk daily. Food supplied is on calorie basis. A food chart is displayed. There were no complaints about the quality of food served to the prisoners .

A good vegetable garden is maintained in the jail compound A variety of vegetables are produced with the aid of the prisoners. A bio- gas plant is also seen installed. The Superintendent in charge stated that earlier 20 LPG cylinders were used in the kitchen every month. Now the LPG consumption is reduced to 8-10 only per month due to bio gas facility.

Unskilled workers wages fixed at Rs.45/- are being paid to them. Semi skilled get Rs 50/- and skilled workers Rs. 55/- in Maharashtra jails. Wages are credited to the prisoner's account.

Education

It is seen that not much attention has been paid to the area of education in the prison perhaps because majority of prisoners are under trials. No teachers are seen posted. At least efforts ought to have been made in selecting volunteers among the prisoners who could teach others.

Efforts ought to be made to provide opportunity for higher education and degree accreditation through Indira Gandhi Open University (IGNOU) and other universities, however short the prisoner's stay in the jail be. Some of the jails have reported that apart from imparting formal education, prisoners are also trained in social skills and urged to take up good personal habits like personal hygiene, good house - keeping, use of library and reading news papers, good communication, self discipline and having a helpful attitude etc. This could be introduced in this jail too.

Health care

No regular hospital facilities are available in the jail. Only a doctor from the Civil Hospital, Satwantwadi visits the jail regularly. No Para- medical staff is available, including a Pharmacist. The jail also has no diagnostic laboratory. The jail depends on the nearby Civil Hospital for indoor treatment of patients and diagnostic tests which is located only 1 km away. The Health Dept. has authorized HLL path Lab to conduct diagnostic tests in jails in Maharashtra. As getting police escort for prisoners to be sent to hospitals is a problem, the jail ought to have its own mini hospital/dispensary. A team of specialists also ought to visit the jail periodically. An AYUSH doctor also ought to visit the jail. This could be very useful for elderly patients and for those who are suffering from chronic diseases.

Video-conferencing

Video-conferencing facility is stated to be available in the jail; however, there is a need to use this facility more efficiently as most of the prisoners spend long periods as under trials. Focus should be not only on numbers, but also on the quality of production of prisoners through video-conferencing .

Legal Aid

It was stated that legal aid is being provided to prisoners. District Legal Services Authority (DLSA) is stated to be functional.

Sanction of bail

It was stated that no prisoners are languishing in jail after getting bail, for want of sureties.

Lok Adalats

It was stated that two *Lok Adalats* are not being organized in the jail.

Parole/ Furlough/ Remission

It was stated that paroles/furloughs are allowed only for convicted prisoners.

PCOs/Telephone facility/waiting room/visitors

It is seen that telephone facilities/PCOs (coin box) are stated to be available to prisoners.

A separate visitor's room is set up equipped with intercom system and electronic watch. It is however, seen that it is very small crowded. Under trial prisoners are allowed to meet their family members once in a week and convicts once in a fortnight. There should be proper arrangement to ensure that each visitor is able to spend quality time with the prisoner.

Board of visitors

It was learned that Visitor's Board has not been constituted for the jail. The Board needs to be set up without any further delay..

Complaints management

It was stated that judicial/ jail authorities regularly visit the jail and listen to complaints from the inmates. Two complaint boxes have been installed to receive complaints from prisoners. It was stated that no complaints have been received so far. There is every need to have prisoner's Durbar in which *at least senior officials on behalf of the* District Collector and SP participate. They ought to have periodic interaction with the prisoners.

Library

A small library is available in the jail for use of prisoners. News papers are being supplied to prisoners .

Cultural programs

It was learned that cultural programs are being regularly organized in the jail.

Sports

Outdoor games like volley ball are played by the prisoners. Indoor facilities for playing chess and carom are available. However, no out door sport facilities are available to women prisoners. It was pointed out that due to constraints of space this has not been taken up.

Religious activities

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

Yoga/Gym

Facilities for practicing Yoga are available. Yoga training ought to be extended to women prisoners, when present.

Jail Canteen

It is seen that canteen facilities are not available to the inmates.

Vocational Training

No vocational training is taken up for prisoners in this jail .

Drug De-addiction program

No Drug De-addiction program is being organized in the jail. Since drug addiction is common among prisoners, it would be necessary to conduct a special drive to find out the number of prisoners involved. Those involved ought to be provided necessary counseling and treatment.

Role of NGOs

It was stated that services of Non Governmental Organizations (NGOs) are not being utilized at present.

Inspections

It was stated that regular inspections are conducted by IG (prisons), DIG (Prisons) and other senior officials. Judicial authorities also visit the jail regularly.

Security

07 CCTVs have been installed and all are stated to be in working condition. The jail has no security tower. 02 *Subedars* are posted for guarding the jail. Out of 05 permanent/temporary posts of *Havildars* only four are posted; against 13 sanctioned posts of *sepoys*, 12 are posted.

Solar Lighting/water harvesting

Many jails in the country have shifted to alternate energy uses for a variety of purposes. Water harvesting is also necessary due to the reason that water is increasingly becoming scarce. Solar lighting/heating / water harvesting have been not yet been introduced in the jail.

Training

It is learned that no regular training programs are being organized for prison officials and staff and only some staff were trained.

Budget

It was confirmed that sufficient funds are available for jail activities. details were not provided.

To ensure more efficiency it would be useful to allow the jail to have Rs.05 lakh as untied funds for meeting expenses of urgent nature for welfare of prisoners, including urgent minor civil works /repairs. Funds could be administered by a committee comprising of the DM/SP and the jail superintendent. Meeting ought to be held in the jail premises.

Regular auditing of funds received ought to be carried out.

General recommendations/suggestions

Housed in a quaint old building, the class11 prison at Sawatwadi could easily be categorized as one of the well preserved jails in the state. Despite the age of the buildings the prison is well maintained and is kept very neat and clean. Every inch of land around it has been utilized for raising a variety of plants, which enhances the quality of life of the prisoners housed here. Efforts have been made specially by the energetic Superintendent and his team to keep the welfare of prisoners at

heart of prison management. Good innovations have been made, despite limited resources. However, continued running of a prison in this building will be increasingly difficult due to its age, and limited space available around it for varied activities and its future expansion. It , therefore, needs to be considered by the State Government whether this prison ought to be merged with the newly built class1 prison at Oros, to optimize utilization of manpower and other resources. The prison building could be put to alternate uses - to house a museum,/ a sub jail or police station.

General recommendations/suggestions have been included in part-1 of this report. However, specific recommendations in respect of this jail (if it is decided to continue the prison here) are summarized below:-

- 1.To post a regular Jail superintendent
2. Renovation of infrastructure/plan for modernization
3. To Fill up vacancies
4. Set up at least a jail dispensary /mini lab facilities
5. Screen for mental illness/TB/ Malaria/HIV/AIDS
6. Post regular MO, Compounder and Nursing Orderlies-to take care of women prisoners/children
7. Arrange counseling of prisoners with the help of reputed institutions
8. Full compliance of SC-directions on women prisoners/children (if they are lodged here)
9. Set up modern Telephone System/VMS
10. Set up Complaint Management System
12. Sanction untied funds
11. Involvement of NGOs in various activities
12. Train jail officials and staff in human rights issues concerning prisoners.

13. Install solar heating and lighting facilities/ set up water harvesting/recycling system
