

REPORTS ON VISIT TO SUB JAILS IN NAVSARI AND VALSAD DISTRICTS IN GUJARAT 19-20 MARCH, 2018

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With the approval of the Commission I visited Navsari and Valsad districts of Gujarat on 19th and 20th of March. 2018.

Navsari district is situated on Arabian coast line at southern border of Gujarat state. The district was created after bifurcation of erstwhile Valsad district into Valsad and Navsari on 2-10-1997. It covers an area of 2,211 sq.kms, and according to the 2011 Census, has a population of 13.30 lakh.

Valsad district is located on the Southern part of Gujarat near Gulf of Cambay in the Arabian Sea. The district covers 3008 sq. km. In 2011, Valsad had population of 17.06 lakhs

As a part of the program I visited Sub Jail, Navsari. As there is no district jail in Valsad district, on my way from Navsari to Valsad I made an unscheduled visit to Sub jail, Dharampur, to know the status of prisoners in the district.

Given below are the Recommendations and Suggestions concerning both jails (Part-1). detailed reports on visits to the two jails are given in Parts 11 and 111 to facilitate follow up action by jail authorities concerned.

Part-1

Observations/ Recommendations (Relating to Sub Jails Navsari and Darampur (Valsad)

Sub jails Navsari and Valsad are two of the oldest sub jails in Gujarat. However, it is seen that not much attention has been paid to them by the State Government. Even after formation of the districts they have not been upgraded to district jails so far. Infrastructure of the two jails is very old. Sub Jail Dharampur cannot be described as a sub jail -at best it is only a temporary lodging for remand prisoners. Out of 395 prisoners in Sub Jail, Navsari 252 are from Valsad. Prisoners are to be transported from Valsard to Navsari. Moreover, it is difficult for family members of prisoners from Valsad to have contact with the prisoners lodged in Navsari jail. It , therefore, follows that there is urgent need for setting up full-fledged district jails both in Navsari and Valsad districts.

Basic facilities

Although an effort has been made to provide basic facilities, the two jails do not offer much to prisoners.; sanitation is poor in Navsari jail; no educational facilities are available in Navsari jail; health facilities are rudimentary in both places and there are no telephone facilities available to inmates in Valsad. Living in closed cage like barracks, prisoners do not get sufficient fresh air in Valsad. It should be necessary to review the facilities provided to prisoners in both places.

Mental Illness

Screening for mental illness among prisoners ought to be carried out by a team from nearby reputed mental hospital. Mentally ill prisoners need to be transferred to Mental health institutions, as per NHRC guidelines.

Access to Law

Most of the prisoners in Navsari and all prisoners in Valsad are under trials/remand prisoners. It is seen that many of them do not have lawyers to represent them in courts. Some of the prisoners complained that their work was not satisfactory. DSLA ought to make an effort to depute more number of advocates to both jails, including women (in Navsari). Para legal Volunteers ought to be trained. The system of Lok Adalats which is efficiently utilized in Tamil Nadu for providing instant justice to prisoners involved in petty cases ought to be replicated. Sec 41 Cr PC which is effectively used in minimizing prison population in Tamil Nadu also ought to be implemented in Gujarat.

Many under trails, (most of women inmates in Navsari) are involved in prohibition cases. Most are looking for additional income to support their families. It would, therefore, be necessary to create awareness about law among the people. Those who entrap them in illegal possession, transport and sale of liquor also need to be booked. Video-conferencing facilities are not efficiently utilized in Navsari. It should be connected to important courts wherein more prisoners are to be produced. Problems with courts ought to be sorted out by convening meetings of the Committee headed by the District Judge in which DM and SP are members.

Vocational training

Vocational training ought to be organized by carefully selecting different trades, and industries for convicted/ long staying inmates, whereby prisoners when released, can get employment and be rehabilitated.

Use of New Technologies

Apart from modernization of infrastructure, attention needs to be paid to the use of new technologies like Prison Management (PRISM) and Tele-medicine. Maharashtra has launched PRISM program through which data collected from prisons across the state on prisoners is maintained by making use of their photographs and finger prints and a beginning has been made in Tele-medicine facility too. Other important reforms like *e-Mulakat* (computerized programs for communication with family members) ought to be taken up.

Learning from others

States like Tamil Nadu, Telengana, Himachal and Chandigarh UT have initiated many far reaching jail reforms (use of Lok Adalat system/ low UT population/ open jails/correctional administration/special prisons for women, installation of RO plant covering the whole jail population/ literacy program/ employment for released prisoners/e-governance etc). The state jail administration ought to depute a team to Tamil Nadu/Telengana to learn about the reforms first hand.

Jail Reforms ✓

Although the state Government has taken up jail reforms, especially in central jails, they need to percolate down to the smallest prisons. It is learned that Gujarat is still following the Bombay Jail Manual. It is high time that a Model Jail Manual is brought out by the State Government.

(PTO)

Part-11**SUB JAIL, NAVSARI****Crime profile of the district**

As per crime report by National Crime Records Bureau, 2013, 1,737 crimes were reported in Navsari district. It had a crime rate of 130.63, compared to National crime rate 218.67 in 2013. Navsari District ranked 391st among the districts in India in 2013, as far as incidence of crimes is concerned.

Jail Profile and history

This jail was originally set up in 1880 as sub jail during the rule of Gaikwad .

Land and infrastructure

The jail has a total extent of 21321 sq. m of land out of which 7425.05 sq. m form the built up area. Officers/Staff quarters occupy 8894 sq. m. space. Around 4875 sq. m of open space is available.

The jail infrastructure comprises of 12 barrack for male prisoners, 01 barrack for female prisoners, a kitchen and store. 02 barracks constructed during the reign of Geikwad are old and in dilapidated condition out of which one occupied by prisoners is planned to be demolished. It is planned to have altogether 03 new barracks for male prisoners. The barrack occupied by female prisoners is also planned to be taken up for construction. A sum of Rs 1.90 crore has been sanctioned for this purpose.

Manpower

As per report, against 42 sanctioned posts only 26 have been filled up. 16 posts are vacant. It is good to see that a regular Superintendent is posted in the jail. Besides the Jail Superintendent, 19 Jail Assistants (out of 32), 01 Senior Clerk (total-01), 01 Havaldar (total-01), 03 Guards (total- 03) and 01 Mahila Guard (03) are posted in the jail. The posts of 01 Jailor (total 01) and 01 Junior Clerk (total 01) have not been filled up.

Jail capacity and occupancy

Against a sanctioned capacity of 230 prisoners (220 male : 10 female), 395 prisoners (361 male : 34 female) are lodged in the jail. No children are staying with their mothers.

Category-wise details of prisoners

Out of 395 prisoners, 375 (341 male: 34 female) are under trials. 20 convicted prisoners (all male) are lodged in the jail. No high security prisoners/life convicts /prisoners convicted with death penalty are lodged here. Civil prisoners were also absent. No extremist prisoner is lodged in this prison.

It was reported that 88 prisoners (77 male : 11 female) are from Navsari district; 252 (242 male :18 female) are from Valsad district; 17 prisoners (all male) are from Dang district; 01 (male) is from Surat and 17 (12 male: 05 female) are prisoners booked in Rail way- related crimes,

Under trial prisoners

As per data provided by jail administration regarding length of stay of under trial prisoners, 11 prisoners have stayed for more than 03 years; 04 for 02 years and above and 12 prisoners for more than a year in this jail.

Mentally ill prisoners

Only one mentally ill prisoner is reportedly present in this jail. It was stated that screening for mental health is done at the time of admission. A psychiatrist from the civil Hospital is said to visit the jail.

Condition of prisoners.

There are altogether 12 male barracks. I visited the different barracks and had interactions with the inmates. Against a sanctioned capacity of 20 per barrack, on the average, 35 prisoners are seen lodged. The barracks are over-crowded.

The barracks are fairly large with grilled windows for ventilation. They are seen provided with fans and lights. RO water was available . It was mentioned that the inmates are also provided all essential items of daily use like clothing, linen, blankets, mat, towels, soaps etc. TV sets have been provided. Prisoners were seen provided with indoor games facility. However, the indoor toilets were in bad condition and were very dirty.

I spoke to some of the prisoners. Hussein Kade Sheikh has a case against him u/s 295 of IPC for transportation of animals using his vehicle. He has been in jail for

last 2 1/2 months. His case ought to be placed before the CJM. Dr. Mayak Patel 35 is lodged in jail in a case u/s 306 IPC. He too has been in jail for 2 1/2 months. Krishna Halpati 30 is from Navsari district and is allegedly involved in the murder of his wife. He said that he has no lawyer. Legal aid ought to be provided to him. Vishal Suresh Bai Patel 18 and Rupesh Rathod 20, Bhaven Patel 24 and Rahul Deharia 21 are booked under POCSO Act on charges of Kidnapping and Abduction. Bhim Nayak 18 is booked on charges of theft. Ram Kumar Mandal 29, is allegedly involved in a quarrel case. He stated that he has no contact with his family. He should be helped in tracking his family. Deepak Kumar Jha 23 is from Sitamarhi district of Bihar. He is a laborer. He is involved in a handling illegal sale of liquor. He denied committing the offence. He stated that he has no vakil. Being a daily wage earner he is facing difficulty. His case should be placed before the CJM urgently. Mangal Jethu Bai 52 booked u/s 302 IPC and Balwant Eswar 39 booked in a quarrel case stated that they do not have advocates. Vijay Pawar stated that he is an Adivasi and that has a case of theft is registered against him. He denied that he was involved in the case. He has a lawyer to assist him. It is seen from jail reports that many of the prisoners had no advocates.

Women Prisoners

As mentioned, 34 female prisoners are lodged in this jail. However, at the time of visit only 29 were present. It was mentioned that 03 women secured bail and two were being produced before courts at that time.

The female barrack is situated in the old part of the jail. It is quite large; an additional room for use of children is seen provided. The floors were tiled. But the windows panels were loose. Lights and fans were functional. A TV set is seen installed. A toilet and bathroom each were available, but were not clean nor maintained properly.

Only 05 women prisoners were seen booked in regular IPC crimes. All others were "daru"(liquor) related cases. Rosy 27 Is a member of SC community. She is from Surat. She was caught while selling liquor illegally. She has no advocate. I spoke to other women prisoners as well. It is seen that all women prisoners were admitted only in 2017 or 2018. Poonam Ben Bharti has been booked u/s 353 and other provisions of the IPC. Nita Ben Patel and Shobhana Ben Patel are both

allegedly involved in murder cases. Manisha Ben has a case registered against her u/s 323 and 307 IPC. Rest of the women prisoners were booked under the Gujarat Prohibition (Amendment) Act, 2017, for various offences.

Custodial Deaths /violence

No custodial death was reported in the jail. But last year death of a woman prisoner in hospital due to illness was reported.

Escape of prisoners/jail break

It was stated that no escape/jail break incident has taken place in the jail in last three years. However one jail break incident was reported in 2005.

Basic amenities

Water supply and Sanitation

It was mentioned that pipe water is being supplied to the jail by the Municipal Corporation, Navsari. Besides two bore wells are available.. A RO system installed provides safe drinking water As far as sanitation facilities are concerned every barrack has a cage toilet. But they were dirty and were not seen maintained properly. The bathrooms and toilets outside had no water and were non functional. Even the wash basins installed were not working. Toilets outside were non functional. A set of new toilets and bathrooms ought to be constructed on top priority. Internal toilets ought to be renovated. A system ought to be put in place for cleaning toilets and bathrooms, without any further delay.

Power Supply

24 hour power supply is available in the jail. A generator of 50 KV capacity is installed as back up.

Food supply

The jail kitchen is located in the old jail building.. Kitchen has adequate space and had enough ventilation. Tap water supply is available for cooking, washing and cleaning purposes. LPG is available for cooking. However, the LPG stove was old and needs replacement. It was mentioned that a Roti-maker was donated by an

NGO. *Roti*, vegetable and *Kichdi* were being prepared for the night meal. Rs 45/ is spent daily per prisoner. Rice too is supplied by contractors.

Education

It was reported that education/literacy programs are run with the help of prisoner volunteers, as no regular teachers are posted. One woman teacher is deputed from Dharampur to teach the women prisoners.

Health care

No regular hospital facilities are available in the jail. It was stated that one doctor and Pharmacist from nearby Govt. hospital visits the jail twice a week- on Wednesdays and Saturdays. No Para- medical staff is available. The jail also has no pathology laboratory. The jail mostly depends on nearby government hospital for indoor treatment. Medical camps are stated to be organized twice a year.

Video-conferencing

Video-conferencing facility is available in the jail. Only 3-4 prisoners are reportedly produced before courts through its medium. Besides, the facility is not connected to courts in Valsad. Many prisoners lodged here are from Valsad district.

Legal Aid

It was stated that free legal aid is being provided to prisoners. District Legal Services Authority (DLSA) is functional. One advocate (male) visits the jail and provides counseling. It was reported that no legal aid case is pending.

It is seen that a number of prisoners lodged in the jail do not have advocates to represent them in courts. Some of them complained that their advocates do not appear in courts nor represent them properly in courts. DLSA ought to be more active. More advocates including women, ought to be deputed to help the prisoners. Para legal volunteers ought to be trained.

Sanction of bail

It is understood that there are no prisoners who are languishing in jail after getting bail, for want of sureties.

Lok Adalats

There were no reports about *Lok Adalats* being organized in the jail. District and Sessions judge visits the jail every month and CJM every week on Wednesdays.

Parole/ Furlough/ Remission

As mentioned most of the prisoners lodged in the jail are under trials/remand prisoners and that parole is sanctioned as per rules only to convicted prisoners.

PCOs/Telephone facility/waiting room/visitors

It is seen that no Telephone facilities (PCO) are available to prisoners for communication with their families. Prisoners are allowed to make calls once a week to their families. Meeting with family members is facilitated. A waiting room is available for visitors. Prisoners are allowed to meet their families once a week.

Board of visitors

It was stated that a Board of Visitors has been constituted and Members do visit the jail.

Complaints management

It was explained that certain internal mechanisms have been put in place by the administration for receiving complaints from the inmates. Daily rounds are taken by the Superintendent to learn about the problems faced by the inmates. Two complaint boxes have been installed for receiving complaints. The boxes are opened in the presence of District and Sessions Judge and the IG of prisons. It is perhaps better that the second box is opened by the District Collector as she/he is present in the district. A complaint box needs to be installed in front of the female barrack. Legal Aid Counsels visit the jail. Prisoners are free to express their problems relating to legal issues at that time.

Library

A good library is seen set up in the jail for use of prisoners. One NGO has contributed a large reading table which is very useful. 04 computers are seen installed. But only one was found working.

Cultural programs

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

Sports Outdoor games like cricket, table Tennis and volley ball are played by male prisoners. No outdoor sports activities are seen organized for female prisoners. Indoor facilities for playing chess and carom are available to both male and female prisoners..

Religious activities

It was stated that a temple and mosque are available for worship. Prisoners are allowed to have their own religious practices.

Yoga and other activities

Yoga classes are conducted with the help of trainers from outside. About 70 prisoners participate in Yoga classes.

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 prisoners.

Jail Canteen

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

Vocational activities/ employment

No vocational/ industrial activities are seen taken up in the jail to keep the prisoners engaged.

Drug De-addiction program

No Drug De-addiction program is being organized in the jail. But awareness creation is attempted through lectures by university professors.

Role of NGOs Services of 4-5 Non Governmental Organizations (NGOs) are being utilized in the prison for various items of work. Some of them have sponsored useful items in the jail for welfare of prisoners. A new multi-purpose shed is constructed in the open space in the central part of the jail for conducting various prisoner-related activities.

Inspections

It was stated that regular inspections are conducted by jail authorities. District Judge and CJM visit the jail regularly. Last inspection was conducted by IG of Prisons in September, 2017.

Security

It was stated that security is provided by three Jail Guards and 1-6 police force. Out of two watch Towers only one is manned. Equipment like Hand Held Detector, Door frame Detector etc are available.

There appears to be a need for vigilance about security by jail administration. Auditor General (AG) in his report (2013) relating to selected prisons in the state of Gujarat had pointed out that in contravention of the provisions of the Bombay Jail Manual, high-rise buildings have been constructed within the prohibited distance of Navsari Sub Prison. AG in the same report had also pointed out that some of the security equipment in jails in Gujarat were mostly not functional. Therefore, periodic checking of all security equipment/ machinery would be necessary.

Dealing with Corruption

Identifying vulnerable points and taking anti- corruption measures, especially by use of technology can minimize corruption in prisons.

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 in the jail. Rainwater harvesting facility and recycling waste water are very important as the jail is situated in water scarcity area.

Training

It is learned that regular training programs are being organized for officers and staff. All senior officers are provided training at the Training Center, Ahmadabad. 05 staff members were already provided training ; 05 more are to be sent shortly.

Budget

It was confirmed that sufficient funds (total allocation: approximately Rs 1.45 crores) are available for jail activities in the budget 2017-18. Out of this 78.93 lakhs are spent on pay of officers and staff; Rs.55.64 lakhs on ration for prisoners and Rs.10.29 lakhs are kept apart for contingency expenses. Regular auditing of funds received ought to be carried out. Civil construction works ought to be closely monitored.

Jail Manual

It is learned that the Bombay Jail Manual is still being followed in Gujarat. The Central Government had already circulated the Model Prison Manual 2016 to different State Governments for adoption. It is high time that the State Government updates its Prison Manual and Rules.

Modernization

There appears to be no modernization plan for the jail except construction of new barracks.

Observations/ Recommendations:-

General recommendations/suggestions have been included in part-1 of this report.

(PTO)

Part-111**REPORT ON VISIT TO SUB JAIL, DHARAMPUR, VALSAD ON 20-03-2018**

The sub jail I visited in Valsad district is situated in Dharampur taluk which is reportedly the largest taluk in the country. Dharampur State was founded in 1262. Its capital was named Dharampur in 1776.

Crime profile of the district

As per crime report by National Crime Records Bureau, 2013, 2,713 crimes were reported in Valsad district. It had a crime rate of 159.06, compared to National crime rate 218.67 in 2013. Valsad District ranked 292 nd among the districts in India in 2013, as far as incidence of crimes is concerned.

Jail Profile and history

This jail was originally set up as a sub jail before independence. and used to be housed in the Rain Forest Office, Dharampur, but was shifted to the present premises-Tehsil office. The Tehsil Office is said to have been constructed in 1923. One side of the building is occupied by the Town Police Station.

Land and infrastructure

There is very little land around the building. The jail infrastructure comprises of 04 barracks for prisoners, 01 guard room, one room for advocates.

Manpower

The Mamlatdar of Dharampur taluk functions as Superintendent of the jail, in addition to his own duties. No regular staff is seen posted in the jail.

Jail capacity and occupancy

It was stated that each barrack has a sanctioned capacity of 06 prisoners. Thus altogether 24 prisoners can be accommodated in all barracks together. It is seen that out of 04 barracks, one is vacant. There were only 19 prisoners at the time of my visit. All are remand prisoners.

Mentally ill prisoners

No prisoner was reported as mentally ill in this jail. It was stated that screening for mental health is done at the time of admission.

Condition of prisoners.

I went around the barracks (actually they are only cells) and had interactions with the inmates. With around 6-7 inmates in each, the barracks are somewhat congested. Viewed from outside the barracks with grills look like cages. Floors are tiled. Windows have been provided in each of the barracks for ventilation. Even then getting fresh air is a problem for the inmates. The barracks are seen provided with fans and lights. The barracks were well lighted. Bottled water was available for drinking purposes.. Each of the barracks has a toilet and bathroom each. There were no toilets outside the barracks. Their condition was satisfactory. 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 prisoners. Hitesh Pawar 27 has a theft case against him. He has been in jail for last five months. He stated that his petition for bail was rejected by the High Court, although two others with him were granted bail by the court. Madhu Devran 30 and Arjuvi Dhakia 47 have cases against them under the Gujarat Prohibition Act, 2017. Both came to the jail only recently. Abdul Raut 31 30 is allegedly involved in a case u/s 307 IPC. He denied that he was involved in the crime. He complained that although he has been in jail for last 11/2 months, he has no lawyer. He also stated that no one from his family visits him. Legal aid ought to be provided to him without any delay. Pradeep Bhatt 24 is booked in a Loot case and has been in jail for the last four months. His bail was rejected by the High Court. He too had a lawyer. Raju Pawar 33 has spent only 5-6 days in jail. He is booked under Prohibition Act. Salman Shakil Khan 22 (spent 40 days) is booked in 'Daru' cases . Both have assistance of lawyers.

Pragnesh Patel 32 is booked for bogus land documents. He has been in jail for 07 months. He has the assistance of a lawyer. Nitin Bai Mukesh 24 (four months), Subhash Patel 29 (recent) and Ashok Sana Gawli 28 (four months) are booked in Loot cases. They do have lawyers. Mukesh Arvind Modi 44 is involved in a land dispute. Out of 04 persons in the case 03 are on bail. He has spent 46 days in jail. He stated that he had complaints against the judge. He could bring it to the notice of the District & Sessions Judge or the CJM, as the case may be when they visit the jail. Tukaram Arjun Nikulia 55 (came recently), Jayesh Nanu Choudhury 37 (47 days), Hemant Eswar 24 (07 days), Ashok Dhana Bai Patel 22 (recent) Mukesh

Phulchand Bharti 47 (6-7 days) Kamialesh Bikhu Bai 29 (5-6 days) and Lehnu Satta 28 (recent) have cases under Prohibition Act against them. All confirmed that they are assisted by lawyers.

It is seen from jail reports that many of the prisoners had no advocates.

Women Prisoners

As mentioned, no female prisoners are lodged in this jail.

Custodial Deaths /violence

No custodial death was reported in the jail.

Escape of prisoners/jail break

It was stated that no escape/jail break incident has taken place in the jail in last three years.

Basic amenities

Water supply and Sanitation

Water is supplied from a tank in which water is lifted from a bore well. For drinking purposes RO system has been installed.

Power Supply

24 hour power supply is stated to be available in the jail.

Food supply

Food is supplied by contractors. at the rate of Rs 146 per day per prisoner. Quotations are invited for this purpose.

Education

No education/literacy programs are seen run for prisoners.

Health care

No regular hospital facilities are available in the jail. It was stated that one doctor from the govt. hospital visits the jail once a week. No Para-medical staff is available. Emergency cases are referred to the local government hospital.

Video-conferencing

No Video-conferencing facility is available in the jail.

Legal Aid

It was stated that free legal aid is being provided to prisoners. One advocate who visits the jail every Saturday provides counseling. Provision for a room for the advocate is seen made in the jail.

Sanction of bail

It is understood that there are no prisoners who are languishing in jail after getting bail, for want of sureties.

Lok Adalats

There were no reports about *Lok Adalats* being organized in the jail

Parole/ Furlough/ Remission

As mentioned all prisoners lodged in the jail are under trials/remand prisoners

PCOs/Telephone facility/waiting room/visitors

It is seen that no Telephone facilities are available to prisoners for communication with their families.. Meeting with family members is allowed. Prisoners are allowed to meet their families in the guard room.

Board of visitors

No Board of visitors has been constituted in the jail.

Complaints management

It appears that complaints, if any, are directly received by the Superintendent.

Library

No library facilities are available

Cultural programs

It was learned that cultural programs are not being organized in the jail.

Sports No outdoor sports activities are seen organized due to paucity of space.. Indoor facilities for playing chess and carom are available to prisoners..

Religious activities

Prisoners are allowed to have their own religious practices

Miscellaneous activities

Practice of Yoga is not seen taken up. Programs for recreation , vocational activities/ employment programs, Drug De-addiction program, solar lighting and water harvesting schemes and training programs which are taken up in other jails are not taken up here since this is only a remand prison. Services of NGOs are also not being utilized

Inspections

It was stated that regular inspections are conducted by jail authorities.

Security

Security is seen provided by Jail Guards. Besides, the Town PS is located on one side of the same building.

Budget

It was confirmed that sufficient funds are available for jail activities in the budget 2017-18.

Observations/ Recommendations:-

General recommendations/suggestions have been included in part-1 of this report.
