

## VISIT REPORT

Smt. Jyotika Kalra, Hon'ble Member, National Human Rights Commission of Lajpore  
Central Prison Surat, Gujarat on 16.07.2021



In furtherance of the functions of the Commission, for the promotion of Human Rights as mentioned in section 12 (c) (visit any Prison or any institution) and 12 (j) (any other function necessary for promotion of human rights) of the Protection of Human Rights Act 1993, Member Jyotika Kalra visited Lajpore Central Prison, Surat, Gujarat on 16.07.2021.

In the complaint case No. 674/6/23/2020-JCD, the UTP Arvind Bhai aged 21 yrs. was admitted in the Lajpore Prison on 27.04.2019 on transfer from Navsarai Sub Prison due to overcrowding. He was healthy at the time of admission in the Prison but died on 15.07.2020. The UTP was under treatment at Prison Hospital and Smimer hospital Surat on regular interval for T.B. The cause of death was pulmonary tuberculosis and its complications. The file was marked to the Investigation Division for examination of record. The Investigation Division reported that the Enquiry Magistrate found that there are a sizable number of T.B. patient lodged in the Prison. During one video conferencing, one UTP raised allegations of inadequate medical treatment by the Prison authority. It was also found that T.B. patients are on higher side in the Lajpore Prison.

On 31.03.2021, in the e-file of the Investigation Division, Member, Jyotika Kalra decided to visit the Lajpore Prison, to study living conditions of the inmates of Prison and requested

for making the necessary arrangements for the same. Member was assisted by Sh. I. R. Kurillose, Dy. SP from the Investigation Division of the Commission for visiting Lajpore Prison 15-16 July 2021.

In order to have the understanding of the TB disease, on 14.07.2021, Mr. Kurillose arranged a training (briefing) session of the Member and himself with Dr. Tanmaya Talukdar, Prof. & Head of Pulmonary Medicines, Lady Hardinge Medical College, New Delhi. During the meeting, Dr. Tanmaya, explained the symptoms of presumptive cases of TB, preventive care considering Prison, which is a high risk area and special care to be taken of TB patients in the Prison.

On 15th July at Surat, Sh. Ayush Oak, District Collector Surat and Sh. Manoj Ninama, Supdt. of Police, Lajpore Central Prison Surat, Gujarat, briefed the Member about the functioning of the Prison.

### **INTRODUCTION- OBSERVATION- 1:**

This Prison was established in the year 1959 as a Sub-Prison upgraded to District Prison on 01.01.1968 and again upgraded to Central Prison on 25.03.2012. The total capacity of male inmates is 2757 and female inmates are 210 totalling 2967. At present, there are 2488 male and 95 female totaling 2583. Out of 2583, 642 are convicts and 1941 are under trial inmates.

At the Lajpore Prison, the Member was assisted by Sh. Ayush Oak, District Collector Surat and Sh. Manoj Ninama, Supdt. of Police, Lajpore Central Prison along with a Senior Doctor namely Dr.Parul Vadgama along with another doctor from TB & Chest Department, Government Medical College, Surat.

Member was taken around Prison premises, beginning with the place, where the inmates are first brought in the Prison, she checked the Initial health screening record, living barracks, Prison Hospital, Mulakat Hall, training institutional area of the Prison, T.B. ward, Video conferencing Hall, Prison radio, Library, kitchen etc.

The inmates interacted with the Member and some of them raised their grievances concerning Appeals not being filed in time, network problems during video conferencing in Courts, not being physically taken to Courts during trial, Sentence of inmates not being commuted by the Govt., mobile phones in Prison, beating of inmates by Prison personnel etc.

The total sanctioned staff strength is 566 Nos. and actual staff strength is 291 Nos., a shortage of 275 staff. In addition to the Prison staff mentioned above, the government has allotted two platoons of S.R.P. for the safety and security of Prison. (*Inspection format of Prison is enclosed as Annexure-1 at Pg. 13 to 24*)

**Recommendation 1 :** at the end of the report

**INITIAL HEALTH SCREENING AT THE TIME OF ADMISSION -  
OBSERVATION- 2 :**



There were around 18 inmates who came to Prison on 15.07.2021 and were waiting for their primary health screening. Member interacted with them and examined the Initial Health Screening reports filled on 14<sup>th</sup> July. The inmate was found to be suffering from DM (*Diabetic Mellitus*) and HTN (*Hypertension*). Still no further investigation of diabetes and hypertension were carried out or recorded. An apparently filled-up report, despite the comorbidities, had many blank columns like pathological test, x-ray for TB and blood test for hepatitis. It was informed that after the receipt of pathological reports, the reports were entered in a separate register and not in that form. As such, these Reports by themselves did not reveal the medical condition of the inmates i.e. the condition of HIV/TB/Heart problem/ blood sugar etc.

During the interaction with the Prison doctors and T.B. doctors, it was found that correct and up-to-date information about the health condition and previous medical history of the inmates were not properly recorded. The initial health screening proforma (IHSP) prescribed by NHRC was followed but it was printed in a different format as such, it did not have the space to mention the disease the inmate is suffering from, no space after “are you taking medicine”. It is surprising that in the column “History of drug abuse” the diseases of the inmate were mentioned. It was also found that HIV tests of inmates were not done at the time of entry in Prison.

Health screening of inmates is done by a Doctor who comes on deputation from City hospital for 24 hours and a different doctor is deputed for the next 24 hours.

The copy of the Report are annexed as *Annexure-2* at page no. 25-26.

Random checking of TB was conducted by Gujarat State AIDS Control Society only for 400 inmates out of 2800 odd inmates during 03.02.2021 to 07.05.2021, in which 02 inmates were found to be infected with HIV and no one was detected with TB.

#### **T.B. patients in the last three years**

<b>Period</b>	<b>T.B. patients</b>
2018	21
2019	24
2020	24

The report regarding TB is annexed as *Annexure -3* at page no.27 to29.

#### **HIV patients in the last three years**

<b>Period</b>	<b>HIV patients</b>
2018	3
2019	2
2020	3

The report regarding HIV is annexed as *Annexure - 4* at page no. 30.

**Recommendation-2 :** At the end of the report.

#### **PRISON HOSPITAL - OBSERVATION- 3 :**

There are four male doctors along with nine (9) paramedical staff posted in the Hospital. The staff strength is of the year 2012 which was not revised even after the Prison was upgraded to Central Prison on 23.03.12.

Primary treatment to inmates is given in the Prison hospital & for specialised treatment inmates are referred to referral hospitals. The hospital has 48 beds and the daily average of OPD patients is around 100-110 inmates. The hospital has a minor OT /Pathology lab, X-ray room and three medical officers available round the clock. As there is no technician to run the X-ray machine, the machine has not been used for the last two years. There are 100 female inmates and the female staff of the Prison however there is no female doctor in the hospital. General Cleanliness of the hospital of the Prison was found good. Copy of medical staff details is annexed as *Annexure -5* at page no. 31.

As per the details provided, there were three (3) HIV patients, and 23 chronic illnesses such as kidney, heart, cancer patients. Copy of details of chronic illness is annexed as *Annexure -6* at page no. 32.

**Recommendation-3:** At the end of the report

**BARRACK OF TB PATIENTS-OBSERVATION- 4 :**

Nine (9) inmates were suffering from T.B, they were kept in an isolated barrack, one of the inmates was HIV+ve and also suffering from Multi Drug Resistant TB. This barrack was far away from the hospital and at an isolated place. It was in very shabby condition, inmates were not even provided beds.

All the nine (9) TB patients were registered under NISHAYA but only three got financial assistance @ Rs. 500/- p.m. Dr. Parul advised that drug-resistant inmates should be kept separate from the non-drug resistant inmates, she advised that the condition of a drug resistant inmate may further deteriorate if he is kept in isolation, she suggested that this patient can be shifted to City Hospital.

**Recommendation-4** -At the end of the report.

**CONDITION OF THE INMATES - OBSERVATION- 5 :**

The Prison report shows the following figures for the period of stay of under trials as on 16.07.2021.

Detention Period	Men	Women
Upto 3 months	508	20

3-6 months	242	15
6-12 months	267	16
1-2 years	404	7
2-3 years	197	4
3-5 years	196	4
Above 5 years	61	0

The report further reveals that there is no under trial who has been granted bail but unable to seek release because of failure to arrange sureties.

**Death of inmates for the last three (3) years**

Year	No of deaths	Natural	Unnatural
2020	8	7	1
2019	8	7	1
2018	11	9	2

In the last three years a total of six inmates were escaped from the police escort.

**Recommendation-5 :** At the end of the report.

**COURT APPEARANCE THROUGH VIDEO CONFERENCE -OBSERVATION- 6 :**

Member visited the Video conferencing room of the Prison. She noticed that the internet connection were bad because of which, the inmates were not able to attend the court proceedings properly.

Member particularly observed the video conferencing of the inmate namely Vikram Ratilal Chunar, (arrested U/s 376 (2) of IPC and 4,5,6,7 & 8 of POCSO) in the Court of Hon'ble Additional Session Judge namely Arthi Vyas. The internet connectivity was poor. Member also tried to communicate with the Hon'ble Judge but she was not able to communicate properly. The issue of poor connectivity was brought to the knowledge of ASJ, however, she simply replied that "there is no network issue at the Court's end if at all there is an issue, it is at the end of the Prison." The Judge is expected to realise that the network problems can be there and if it is there at any end, the Court or the Jail the proceedings should not be carried on.

In this very case, the Judge passed over the matter for cross examination, as the witnesses were present in the Court. Member enquired from the Judge, when the matter is fixed for trial, why the accused has not been called in Court, to this the Judge replied that the Prison staff doesn't send the inmates to the Court so the proceedings are taking place through VC.



On enquiry, the Prison staff replied that inmates are sent to the Court, only when an order to that effect is received from the Court, in the case of Vikram Ratilal Chunar, no such order of producing him in the Court was received in the Prison.

**Recommendation-6:** At the end of the report.

#### **GOVERNMENT POWER TO COMMUTE SENTENCE- OBSERVATION- 7 :**

As per AB Committee report during 2019, 16 cases were referred to Sentence Review Board, out of which 14 cases were not approved and 02 cases are still pending.

In the year 2020, 15 cases were recommended out of which 12 cases were not approved and 03 cases are pending.

On 15.07.2021, total of 24 cases were recommended and the cases are under process.

Copy of year wise details of AB Committee is annexed as *Annexure- 7* at page no. 33.

As per section 433 CrPC, all the cases can be referred for remission (barring a few exceptions ) whereas what has been observed in the Prison that only the cases referred under 433 A CrPC, which is an exception to section 433 CrPC are being referred for Commutation. The Resolution dated 23.01.2014 has taken a very strict view for considering cases which are fit for Remission, Resolution dated 23.01.2014 be reconsidered.

Copy of resolution dated 23.01.2014 of Home Department Govt. of Gujarat regarding remission of Prisoners is annexed as *Annexure- 8* at page no.34-44.

**Recommendation-7-** At the end of the report

#### **PRISON LIBRARY- OBSERVATION- 8 :**

Library was found to be neat and clean. However, legal books in English and Vernacular language were not found. Moreover there is no sitting arrangement inside the library for the inmates.



**Recommendation-8-** At the end of the report

### GENERAL- OBSERVATION- 9 :

#### **RADIO PRISON SYSTEM:**

It was found to be very neat and clean. The radio jockey was performing his duty in professional and entertaining manner. PA system was quite effective and the quality of the sound was very good.

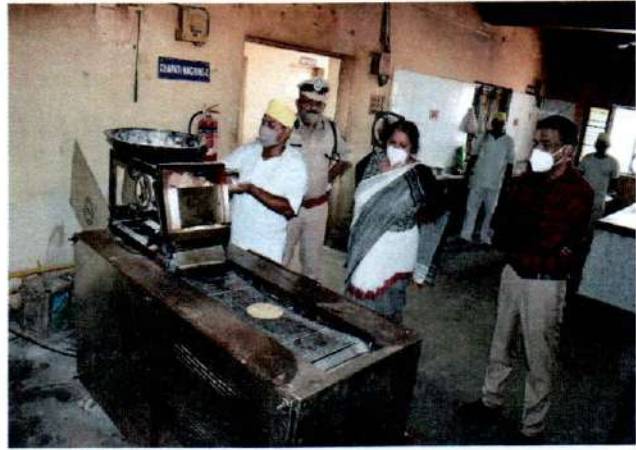


#### **KITCHEN :**

Hon'ble Member visited kitchen and found the quality of food to be excellent. The menu to be served was displayed, the stock of the raw material etc. was also displayed. The best part



of the kitchen were 3 chapati making machines, each and every chapati was round, thin and properly cooked. Kitchen was also equipped with modern machinery. The convicts which were looking after the kitchen were found to be very much involved and concerned with the cooking in the Kitchen. Member also took lunch prepared by inmates and was found to be very tasty and nutritious



### LEGAL AID CELL:

Advocates visit the Prison on Wednesday and Saturday which was not adequate to the demand of the inmates. They were also not satisfied by the Legal aid counsels, pursuing their cases. Prison Authority also confirmed that legal aid provided to the undertrials/convicts is not satisfactory. It is suggested that law students from the Law College can interact with the inmates & make case study.



### Number of Visits / Inspections by Judges and the other officers in the last one year

As per report, judicial authorities visited on a monthly basis and non-judicial authorities visited 3 times during the last one year.

### Involvement of NGOs and social activist in the Prison activities

As per the documents provided, **the Board of visitors last constituted on 24.04.2018** for a period of two years. However, after expiry of the tenure of board of visitors the new board was not constituted till date.

From the Lajpore Prison, in the year 2021 six mobile phones were recovered from the inmates inside the Prison during checking. Mobiles were recovered in previous years also, it clearly indicates dereliction and connivance of the Prison staff.

One of the inmates namely Ashok met the Member and alleged that mobiles were smuggled inside the Prison in connivance with the Prison authorities. On enquiry it was found that six cases were registered in 2021 and action initiated against the guilty officials.

**Recommendation-9** : At the end of the report.

**Recommendation-1 to Observation-1:**

- 1.1. DG Prisons, Govt. of Gujarat be directed to fill up the vacancies of the Prison staff at the earliest.
- 1.2. Staff strength of the Prison and Hospital be revised.

**Recommendation-2 to Observation-2:**

- 2.1. A doctor for health screening purposes should be deputed at least for a period of one year, so that he gets accustomed with the functioning of Prison, a period of 24 hrs is too less a period for a doctor to perform his duties effectively.
- 2.2. The initial health screening proforma should be reprinted exactly in the same format as prescribed by the NHRC.
- 2.3. The doctor examining the inmates should get the Diabetes and ECG test done immediately and mention the test result; only thereafter IHSP should be signed. This will ensure timely follow up of the disease.
- 2.4. As informed by the TB specialist doctor in case of a diabetic, HIV patients, history of TB, interaction with another TB patient or symptoms of TB like cough and fever, the doctor should further investigate sputum test, X-ray chest, sugar fasting, CBC etc. at the earliest.
- 2.5. Every six months, randomly, the inmates with symptoms should be screened for the T.B, HIV/AIDS test so that the possibility of spreading of these diseases can be minimized.

**Recommendation-3 to Observation-3:**

- 3.1. X-Ray technician be appointed in the hospital, until such time, x-ray technician from Government hospital should visit the Prison hospital on weekly basis.
- 3.2. Female doctors should be appointed in the Prison hospital on priority basis.
- 3.3. The staff strength is of the year 2012 which has not been revised even after the Prison has been upgraded to Central Prison on 23.03.12, the staff strength be revised.
- 3.4. Vacancy of doctors and paramedics staff at the Prison hospital should be filled up at the earliest.
- 3.5. Medical tests such as sputum, x-ray chest, sugar, CBC should be made mandatory for inmates showing symptoms of T.B.

**Recommendation-4 to Observation-4:**

- 4.1. Multi drug resistant inmates should not be kept along with non-drug-resistant inmates, as the remaining inmates can also become drug-resistant.
- 4.2. Drug resistant inmates be shifted to City hospital, as advised by the specialist.

- 4.3. The 06 TB inmates who were not covered under 'the Nishaya Scheme' should get the financial assistance of the scheme.
- 4.4. TB Chest Physician/ Doctor should visit the Prison on a monthly basis and examine the reports of the inmates and follow up the vulnerable inmates.

**Recommendation-5 to Observation-5:**

- 5.1. DG, Prison, Govt. of Gujarat: May be directed to provide senior lawyers from the District Legal Aid to deal with the convicts who have been booked for heinous offences like murder, rape etc.
- 5.2. State Legal Services Authority may consider engaging the Law students to assist the Legal Aid counsel in the matter.
- 5.3. To check and safe guards against suicide, psychological profile of the inmates through psychologist should be followed in letter and spirit.
- 5.4. Unnatural deaths in the custody can be controlled if the Prison staff is vigilant, the deaths can be prevented by giving counselling sessions, yoga classes and other cultural programmes keeping the inmates in a positive mind.

**Recommendation-6 to Observation-6:**

- 6.1. Prison Supdt. be directed to provide high speed internet connectivity so that inmates can effectively participate in the Court proceedings.

**Registrar Gujarat High Court:**

- 6.1. Instructions be issued before conducting the proceedings on VC, high speed network be ensured, if network is poor, the matters should be adjourned.
- 6.2. During trial, in case of examination of witnesses, the inmates must be called from the Prison; he should be physically present in Court to assist his counsel who is conducting cross examination on behalf of the inmate.

**Recommendation-7 to Observation-7:**

- 7.1. Government should consider the terminally ill patients for commutation of sentence.
- 7.2. Govt. should consider all the cases for commuting the sentence as provided under section 433 CrPC rather than only considering the cases falling under section 433 A CrPC.
- 7.3. Gujarat High Court judgement *Harishankar Gayaprasad Jaiswal vs State of Gujarat* on 8 March, 2018 Bench: J.B.Pardiwala

*"75.It is necessary to keep in mind the salutary principle as quoted in Burghess, J. C. in (1897), U.B.R. 330 (334) that: "To shut up a man in Prison longer than really necessary*

*is not only bad for the man himself, but also it is a useless piece of cruelty, economically wasteful and a source of loss to the community."*

Be considered by the Government, while deciding commuting of sentence.

#### **Recommendation-8 to Observation-8:**

- 8.1. Prison Supdt. be directed to provide legal books in English and Vernacular languages so that inmates can read them and defend themselves in better manner.
- 8.2. The inmate should be provided with a sitting arrangement in the library.
- 8.3. The inmate be encouraged to visit the library.

#### **Recommendation-9 to Observation-9:**

- 9.1. DG Prison be directed to provide senior lawyers from the District Legal Aid to deal with the inmates who have been booked for offences like murder, rape etc. Appreciation letter may also be given by the authorities to the law intern who assists the legal aid cell of the Prison.
- 9.2. DG, Prison, Govt. of Gujarat may be directed to constitute a new board of visitors.
- 9.3. Strict departmental action be initiated against the Prison staff involved in the smuggling of mobiles inside the Prison.

#### **BEST PRACTICES OF THE PRISON:**

1. Most of the inmates were issued Aadhar card and inmates identification card, Aadhar cards were got issued by giving address of Prison and mobile number of Prison personnel.
2. During the past two years of Covid-19 pandemic only 28 inmates out of 2800 odd inmates were affected and there is no fatality.
3. After initial health screening the inmates were kept in isolation for 15 days.
4. All the inmates have been vaccinated for Covid-19 with 1<sup>st</sup> dose.
5. All the employees have been provided with 2<sup>nd</sup> dose of vaccination.
6. Overall cleanliness of Prison was quite good and campus was well maintained.
7. Food of the Prison was very good, especially the chapattis.

Jail officers and staff were observed to be doing their job well.

*Jyotika Kalra*  
**Jyotika Kalra**  
**Member**  
**National Human Rights Commission**



**LAJPORE**  
**CENTRAL PRISON**  
**SURAT**

**(1) Details of Lajpore Central Prison, Surat.**

Total Land area	2,18,000 sq.mt. (54 acre)
Jail Inside Built up area	95,250 sq.mt. (23.5 acre)
Jail Outside Built up area	23,900 sq.mt. (06 acre)
Land cost	09.45 cr.
Built up cost	63.05 cr.
Total	72.50 cr.
Total Barracks	134 Male Barracks 10 Female Barracks 144 Total Barracks 87 High Security Cells
<b>History of Prison</b>	
Date of Opening - Sub Prison : 1959	
Date of Opening - District Prison : 01/01/1968	
Date of Opening – Central Prison : 25/03/2012	

<b>Main Wall</b>	
Total Length of Main Wall	1327.40 Meters
Height of Main Wall	07.00 Meters

<b>Length of Live Wire Fencing</b>	
On Main Wall of the Prison	1450.00 Meters
On Female Yard	330.00 Meters

**(2) Details of Prison security equipment**  
**available in Lajpore Central Prison**

Sr.No	Name of the equipment	Total
1	High voltage DC live wire System	Installed at the main wall of the Prison and Female Yard
2	High mast Pole for Lighting	There are total 14 high mast pole installed inside and outside the prison
3	Heavy duty generator set	2 set (250KVA)
4	Door frame metal detector	13 set
5	Hand held metal detector	95 piece
6	X-Ray scanning machine	1 set
7	Mobile phone detector	2 piece
8	Trans receiver set (Wireless Set)	20 piece of Motorola company are currently operated and 20 piece of vertex company are in non-operating mode
9	Night vision goggles	1 piece
10	Alcoholmeter (Breathe analyzer)	1 piece
11	CCTV Surveillance System	742 Fixed cameras + 64 PTZ cameras. <b>806</b> total cameras are Installed
12	Watch tower	There are Total:5+1=6(six) watch tower in the prison. There are five watch towers outside the prison campus which are higher than the main wall of the prison and one watch tower is constructed inside the high security section.
13	Siren	Siren Facility is available in case of emergency
14	Video conferencing system	to present the prisoners before Hon'ble Courts
15	Binoculars	06 piece
16	Fire Extinguishers	23 piece

(3) Details of accommodation facilities of prisoners and capacity of barracks

Type	Yards	Barracks	Total Barracks
A-type	12	06	72
B-type	09	04	36
C-type	11	02	22
Woman Yard	01	10	10
Quarantine	02	02	04
<b>TOTAL</b>			<b>144</b>
<b>High Security Cells</b>			
For Male			77
For Female			10
<b>Total</b>			<b>87</b>

**Capacity of barracks:-**

Per barrack- 20 prisoners

Per separate cell- 01 prisoner

Male barracks-  $134 \times 20 = 2680$

Male separate cells-  $77 \times 01 = \underline{77}$

**2757 Males**

Female barracks-  $10 \times 20 = 200$

Female separate cells-  $10 \times 01 = \underline{10}$

**210 Females**

Total capacity:-

**2757 Males + 210 Females = 2967**



#### **(4) Details of facilities available for prisoners in the prison**

- (1) There is a Central R.O.Plant installed in the library Yard.
- (2) There are four education centers namely
  - (A) SSC&HSC BOARD Gandhi Nagar.
  - (B) Indira Gandhi National Open University and
  - (C) Veer Narmad South Gujarat University
  - (D) Dr. Baba Saheb Ambedkar Open University
- ❖ Established under the Mahatma Gandhi Bandivan Vidyalaya and Adult Literacy Program at Indoor Campus in the Prison, so the prisoners get literate/ higher education.
- ❖ There is a facility for online distance education program in association with PP Savani Group.
- (3) There is a computer lab consisting of 15(12 for male + 03 for female) computers.
- (4) There is a well -established Library for Male and Female prisoners separately consisting of 17087 books and 325 magazines.
- (5) There is a well- organized Kitchen with a fully automatic Roti making machine and a dedicated RO Plant for Kitchen use.
- (6) A Hospital (Capacity: 48 Beds) established in the Prison with all facilities like Minor OT, Pathology

Lab, X-Ray Room and three Medical Officers available round the clock.

- (7) There is a Industry Section with
- Bakery Unit
  - Weaving Unit
  - Female Tailoring Unit
  - Basic Computer Course, Through ITI Sachin
  - Basic Electrical Course Through ITI Sachin
  - Diamond Polishing Training by Kohinoor Diamond Company Surat.
  - Chitra Kala (Painting) Class.
  - Hero Honda Motor Cycle Repairing Classes.
  - Job Work (Sari Stone). Welding and Fabrication workshop.
  - Craft Baking by Bridge Point (pvt.Ltd.)
  - Pickle Making & Bamboo Craft by Bridge Point (pvt.Ltd.)for prisoners to earn a job or do their own Business as a part of Rehabilitation.
- (8) There is an Open auditorium/Playground to play Cricket, Volleyball Football Carom and chess for prisoners as part of recreation programs.
- (9) In our prison various religious programs are held by Art of Living, vipashyana sadhana. There is an open auditorium and Play ground for performing various programs.

- (10) There are two overhead tanks, one underground sump and three bore wells for the fulfillment of water for our prisoners to get sufficient water.
- (11) There are three complaint boxes installed in the name of Hon'ble Sessions Judge and Inspector General of Prisons for prisoners to put their complaints.
- (12) There are tube lights and fans installed in each barrack along with toilets and bathrooms. In addition to this there are common toilets and bathrooms outside the barracks.
- (13) Television facility is provided in the barracks for prisoner's entertainment received from donors.
- (14) In case of emergency there are Two Ambulance facility for ill inmates to take them to New Civil Hospital, Surat.
- (15) There is a PCO Telephone Booth with computer call recording system facility in the Prison, so that prisoner can call thrice in a week.
- (16) Mosquito Net fitted in all yards to prevent mosquito related diseases.
- (17) A Gaushala is maintained by the prisoners.
- (18) A New Bhajia house is run by the prisoners.
- (19) Radio Prison is installed for mental relaxation of the prisoners.
- (20) A facility for E-Mulakat with the relatives of the prisoners is available through Video Conferencing.

(21) A Free Legal Aid Centre is available for needy prisoners who want to avail the facility.

(22) Facility of E-Library.

## **(5) Details of Industry Section Machineries**

### **Carpentry Section**

<b>Sr. No.</b>	<b>Item Name</b>	<b>Total</b>
01	Wood Turning Lathe Machine	01
02	Air Compressor	01
03	Combo Planner –S Machine	01
04	Spindle Molding Machine	01
05	Gigso Machine	01
06	Blade Grinder Machine	01
07	Electric Hand Round Body Cutter Machine	01
08	Belt and Disk Sender Machine	01
09	Electric Hand Router Machine	02
10	Electric Hand Gigso Machine	03
11	Surface Machine	01
12	Hand Wood Cutter Machine	01
13	Cut of Machine	01
14	Regulator welding Machine	01
15	Electric Hand Drill Machine	08
16	Horizontal Sending Machine	03
17	Pillar Drill Machine	01
18	Bench Grinder	01
19	Basic Spiral Machine	01
<b>Total</b>		<b>31</b>
<b>Carpenter Tools and Equipment Set</b>		<b>10</b>

## Tailoring Section

Sr. No.	Item Name	Total
01	Button Stich Machine	01
02	Strait Knife Machine	01
03	Round Cutting Machine	01
04	Button Hall Machine	01
05	Steam Iron	03
06	Sewing Machine	30
07	Over Lock Machine	01
08	Single Niddle Lock Stich Machine	01
<b>Total</b>		<b>39</b>

## Bakery Section

Sr. No.	Item Name	Total
01	Refrigerator (350 Ltr.)	01
02	Induction Cooking Pan	02
03	Wafers Cutting Machine	01
04	Wafers Dryer Machine	01
05	Founding Machine	03
06	Bakery Gas Oven (20 trey)	01
07	Bakery Gas Oven (12 trey)	01
08	Denuding Machine	01
09	Sugar Grinder Machine	01
10	Potato Wafers Machine	01
11	Banana Wafers Machine	01
12	Oil Extractor Machine	01
<b>Total</b>		<b>15</b>

## Weaving Section

Sr. No.	Item Name	Total
01	Sectional Warping Machine	01
02	Pun Winding Machine	01

03	Under Peek Power Loom	20
<b>Total</b>		<b>22</b>

### **(6) Details of Prison Staff**

<b>Sr.No</b>	<b>Designation</b>	<b>Sanctioned</b>	<b>Present</b>	<b>Vacant</b>
1	Executive Staff	03	03	00
2	Jailor Group	23	07	16
3	Guarding Staff	479	255	224
4	Sub-Staff	02	00	02
5	Civilian/Ministerial Staff	30	13	17
6	Welfare staff	01	00	01
7	Industrial Staff	09	03	06
8	Medical Staff	12	10	02
9	Technical Staff	02	00	02
10	Out Sourcing Staff	03	00	03
11	Cook class-4	02	00	02
<b>TOTAL</b>		<b>566</b>	<b>291</b>	<b>275</b>

(In addition to the Prison Staff mentioned above the government has allotted two platoons of S.R.P for the safety & security of the prison.)

**(5) Details of facilities available for officers and staff employees outside the main gate of the prison**

- (1) There are total 282 staff quarters available for officers and prison staff.

<b>Category</b>	<b>Available</b>	<b>Require</b>
E/1	01	--
E	04	--
D/1	01	--
D	06	04
C	42	23
B	228	177
<b>Total</b>	<b>282</b>	<b>204</b>

- (2) There is a Guest House facility for guests coming from outside city.
- (3) There are Guard Rooms for police officers and staff coming in police escorts.
- (4) There are three Store Rooms for storing the raw materials of udhyog section, canteen section and contingency section. These raw materials are send inside the prison after inspection by Superintendent.
- (5) Seating facility, Drinking Water facility and Toilet Bathrooms facility for prisoner's family and relatives

are available outside the main gate for those who come to visit the prisoners.

- (6) There is also an Amul Ice-Cream Parlor set up for officers, prison staff and common public.
- (7) Officers and staff security guards of prison (S.R.P) on duty are allotted S.R.P. barracks with kitchen facility. In addition to this there is a strong room available for keeping the arms and weapons.
- (8) There is one barrack behind the prison campus for keeping the prisoners of open prison in future.
- (9) In order to convert impure water in to pure there is a sewage treatment plant behind the jail campus.
- (10) There is R.O.Plant installed in every block of each category of houses for Prison officers and Staff so that they get pure drinking water.
- (11) There is a Shop center facility in the prison campus because this prison is situated in rural area.
- (12) There is rain harvesting system in the administration department at this prison.

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Annexure-2

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APPENDIX - II

## FORMA FOR HEALTH SCREENING OF PRISONERS ON ADMISSION TO JAIL

No. 5738  
 Name SHAIKH  
 Father's/Husband's Name ASAD KHAN Age 30 Sex M Thumb impression  
 Date and time of admission in the prison 24/07/21 Occupation Farmer  
 Identification marks .....

---

**1. Previous History of illness :**

(a) Are you suffering from any disease if so, the name of the disease : Yes/No

(b) Are you now taking medicines for the same ? Yes/No

(c) Are you suffering from cough that has lasted for 3 weeks or more ? Yes/No

**2. History of drug abuse, if any :**

Any information the prisoner may volunteer :

L/C/D - DM, HTN

**3. Physical Examination :**

Height 169 cms Weight 79 Kg. Last menstruation period .....

(a) Pallor : Yes/No (b) Lymph Node enlargement : Yes/No

(c) Clubbing : Yes/No (d) Cyanosis : Yes/No

(e) Icterus : Yes/No (f) Injury, if any .....

**4. Pathological Tests / X-ray for TB :**

**5. Blood test for Hepatitis / STD including HIV ( With the informed consent of the prisoner whenever required by Law ).**

Any other .....

**7. Systemic Examination**

- (i) Nervous system.
- (ii) Cardio Vascular System.
- (iii) Respiratory System.
- (iv) Eye, ENT.
- (v) Abdomen (Gastro Intestinal System (GIT) and other organs).
- (vi) Teeth and gum.
- (vii) Urinary system.

*wm*

The medical examination and investigations were conducted with the consent of the prisoner after explaining to him / her that it was necessary for diagnosis and treatment of the disease from which he/she may be suffering.

Date of commencement of medical investigation.....

Date of completion of medical investigation.....

  
Medical Officer

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**LIST OF TB PATIENT**

SR. NO.	NAME	DATE OF DETECTION
<b>2018</b>		
1	PINTOO SOMABHAI BARIYA	21-03-2018
2	BHOMAJI FATAJI RAWAL	06-02-2018
3	RAHUL VITHAL KALE	17-02-2018
4	DHARMESH FATHESINGH BARIYA	03-04-2018
5	JITEN KAMALSINGH MAVDA	05-04-2018
6	MANGAL RAJENDRA PANCHORIYA	10-04-2018
7	BHAIYALAL MURLIRAM CHAMAR	20-04-2018
8	DINESH SOMA RATHOD	17-05-2018
9	IQBAAL MO.HAROON ANSARI	28-05-2018
10	SHYAAM JAYANTILAL RATHOD	29-05-2018
11	BANSAL NILCHAND SHEETY	31-05-2018
12	SURESH ATMARAM PATIL	17-01-2018
13	SANJAY VINOD SHARMA	21-03-2018
14	SUBHANDRA SANYASI KHUTIYA	13-06-2018
15	BABULAL RAMDAYAL PATEL	24-06-2018
16	SUKHA VAGDIYA	13-08-2018
17	CHHANA MOHAN RATHOD	29-09-2018
18	JITENDRA DINESH PATEL	14-10-2018
19	GANESH LAKHA PASAVAN	06-11-2018
20	SHYAM JAYNTI RATHOD	14-11-2018
21	RAMKISHANRAMAVTAR CHAUTHARY	27-12-2018

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## LIST OF TB PATIENT

SR. NO.	NAME	DATE OF DETECTION
2019		
1	GANESH LAKHA PASAVAN	30-07-2019
2	ARVIND RAMJI VERMA	04-02-2019
3	ARJUN UDERAMLOHAR	01-03-2019
4	SURESH BABAN KHAROT	15-04-2019
5	SAGAR RAJU PATEL	14-05-2019
6	HITESH SUKHA RATHOD	06-06-2019
7	SINU RAMASWAMI KARANPURI	19-06-2019
8	REENA JATIN VASAVA	19-06-2019
9	SHAILESH RAMAN MALAVAR	05-01-2019
10	ABHISEK BALANATH YADAV	02-02-2019
11	RAHUL MADHUKAR GAYAKVAD	18-02-2019
12	KAVANSINGH MAHIPALSINGH	05-03-2019
13	JAYESH AMARSINGH RATHVA	05-03-2019
14	RITA PINTOO SANGADIYA	27-04-2019
15	KALU.J. SHAHU	24-07-2019
16	BHAGVAN DANDPAN POIDA	06-09-2019
17	ASPAK MOHAMED MOMIN	27-09-2019
18	SURESH AATMARAM PATIL	05-10-2019
19	KAILASH KISHAN AMLIPARA	09-11-2019
20	KESHAV SUKHDEV BESANA	19-11-2019
21	INDRAJEET ASHOK PATEL	20-11-2019
22	MO. AKHTAR MO. KAUSAR SHAIKH	19-11-2019
23	ABDUL KARIM ANJAR AALAM KHAN	26-11-2019
24	VAJESINGH GAJJABHAI NAYAK	28-10-2019

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**LIST OF TB PATIENT**

SR. NO.	NAME	DATE OF DETECTION
<b>2020</b>		
1	WASIM MO. AHMED SHAIKH	07-02-2020
2	ARJUN ZAVERILAL MALI	14-02-2020
3	RAMAN JATIN MANDEL	16-03-2020
4	FILIP SANCHAR KHODIYA	18-03-2020
5	RAMESH RAMBABU RAJPUT	30-03-2020
6	JAYESH BABU HALPATI	16-03-2020
7	BABU HASMUKH KHAMBHODIYA	19-05-2020
8	ARVINDPRAKASH RAMLAKHAN YADAV	08-06-2020
9	KISHORE JAYANTI HARIPALI	08-07-2020
10	SANYASHI MURLI SWAI	13-07-2020
11	SHIVAN VISHVAKARMA LUHAR	04-02-2020
12	AHMED ILLIYAS SUNSARA	19-02-2020
13	ASIF SALIM SHAIKH	20-02-2020
14	PANKAJ TARACHAND SHARMA	04-03-2020
15	HIREN ASHOK CHAUHAN	17-04-2020
16	VIPUL RAJU RATHOD	18-07-2020
17	YOGESH SHASHIKANT VAIDH	13-08-2020
18	SHYAM GANESH KAMBLE	24-09-2020
19	SANJIV RAMPRAVESH GOSWAMI	14-10-2020
20	BALVANT BABU PARMAR	28-10-2020
21	MAJIDKHAN BABI	01-08-2020
22	BHUSHAN RAJENDRA MALI	03-11-2020
23	VAJESINGH GAJJABHAI NAYAK	30-12-2020
24	SURYAJEET TEJPRATAP RAJPUT	30-12-2020

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## LIST OF HIV PATIENT

SR. NO.	TYPE	NAME	DATE OF DETECTION
<b>2018</b>			
1	CONVICT	RAMESH KIRIT PANCHAL	22-03-2018
2	UT	ADARSH RAMSING GUJJAR	23-02-2018
3	CONVICT	TUNNA DEVRAJ JAINA	06-03-2018
<b>2019</b>			
1	CONVICT	KALU @ KALIYA JADIYA SHAHU	31-07-2019
2	UT	ALOK RAMAVTAR MISHRA	14-03-2019
<b>2020</b>			
1	UT	SHIVANAND SIKANDER NISADRAJ	02-11-2020
2	CONVICT	BHIKHA BHANDA RATHOD	06-07-2020
3	UT	AHMED ILLIYAS SUNSARA	05-03-2020

a

Medical staff details:-

Strength not upgrade to central

Sr.no	Post	Requirement	Sanctioned	Filled
✓ 1	Physician	01	01	01
2	General Surgeon	01	00	00
3	Dentist	01	-	-
Priority ✓ 4	Medical Officer Class-2(male)	06	03	03
Priority ✓ 5	Medical Officer Calss-2(female)	01	-	-
6	Pharmacist	03	02	02
Priority ✓ 7	Male Nurse	06	02+02	02+02
8	Female Nurse	02	-	-
9	Dresser	01	-	-
10	Lab. Technician	02	01	01
11	E.C.G. Technician	01	01	01
12	X-Ray Technician	01	-	-
13	Junior Clerk	01	-	-
14	Data Operator	01	-	-
15	Physiotherapist	01	-	-
16	Gynaecologist	01	-	-
17	Psychiatrist	01	01	01
✓ 18	Psychologist	01	-	-
19	Social Worker	01	-	-

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Priority ✓  
Priority ✓

✓ = priority

Medical Staff Required  
 Mo - 3 5+1 female  
 P.M-staff 04 6 nos

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Medical Staff	3	110
Mo	3	110
P. H. Staff	3	110
Report	3	110
2-11-2015		

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## CRONIC ILLNESS

SR. NO.	TYPE	NAME	DISEASE
1	CONVICT	MAHENDRA PRABHAT PARMAR	HEART
2	CONVICT	ABDUL KADIR GULAM HUSSAIN SHAIKH	HEART
3	CONVICT	KANNU LAKHA CHAUDHARY	HEART
4	CONVICT	KISHAN BHAGA PADVI	HEART
5	CONVICT	GANESH NATHU VASAVA	HEART+KIDNEY
6	CONVICT	DHEERAJ NATHA CHAUHAN	HEART+KIDNEY
7	CONVICT	BHANA PREMA TANDEL	HEART+KIDNEY
8	CONVICT	BHILA HILA PATIL	HEART
9	CONVICT	BHOMARAO FATAJEE RAVAL	HEART
10	CONVICT	VINOD DEVJEE PAANSOOL	HEART
11	CONVICT	DHANSUKH PIDIYA PATEL	HEART
12	CONVICT	FIROZ KARIM BIDIWALA	HEART
13	CONVICT	MO. SALIM SULTANI	HEART
14	CONVICT	GANPAT SHIVA DHABHI	HEART
15	CONVICT	DEVRAJ SHYAMRAJ PANDEY	HEART
16	CONVICT	SHARMAN VEJA JORA	CANCER
17	CONVICT	DEVA TIKARAM LODHI	HEART
18	CONVICT	RAGHAN MAGAN HATIYA	CANCER+KIDNEY
19	CONVICT	PRAVEEN RATAN DHIVRE	CANCER
20	CONVICT	BALVANT CHATRASING PARMAR	HEART
21	UT	AMIN SUKRI BARAFWALA	HEART
22	UT	AJAY DHAYA JHADAV	HEART
23	UT	NOORJAH HAJJIJUMMA SIDIKI	HEART

19918/2021/O/o MEMBER-3

H.M. NEXURC 34

# All A.B Committee Details (Year wise) Of Prisoners

Year	Date	Total proposal	Approved	Not Approved	Pending status
2012	30/01/2012	01	01	00	00
	21/09/2012	08	02	06	00
2016	15/06/2016	01	00	01	00
2019	12/12/2019	16	00	14	02
2020	24/08/2020	15	00	12	03
2021	15/07/2021	24	Process in progress	Process in progress	Process in progress

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## GOVERNMENT OF GUJARAT

## HOME DEPARTMENT

Resolution No. JLK/822012/1859/J

Block No.2, Sardar Bhavan, Sachivalay, Gandhinagar.

Dated: 23<sup>rd</sup> January, 2014**Resolution:-**

The State Government has constituted a committee headed by the Additional Chief Secretary (Home) for considering the policy and guidelines to be followed for the purpose of the State Remission and Premature Release of Prisoners. The Secretary, Legal Department and the Secretary, Legislative and Parliamentary Affairs Department were also one of the members of the said committee. The proceedings of the meeting and the opinion of the Legal Department in this regard, had been under consideration of Government of Gujarat.

2. After careful consideration, Government issues the following guidelines/ policy for considering the cases of the State Remission and Premature Release of Prisoners.

**(A) State Remission of Prisoners:**

(i) The powers of the State Remission, Pardon and Commutation rest with H.E. the Governor under the Article 161 of the Constitution of India. Only convicted prisoners are eligible for the state remission. Therefore, the remission under Article 161 of the Constitution of India shall not be applicable to the under trial prisoners.

(ii) Whenever, the remission orders are issued, the birth date of prisoners shall be verified by the concerned Jail Authorities with the authentic original documents e.g. the original Birth Certificate/ the School leaving Certificate/ Passport or other document as may be recognized by the Government. The Jail Authorities will get the said documents from the prisoners of the various Prisons of the State.

The Director General of Police, Gujarat State will issue necessary guidelines for registering the actual birth date of the accused while filing the charge sheet in the court on the basis of authentic original document of Birth Date.

(iii) The Prisoners who are convicted for the crimes as mentioned in Annexure-I shall not be considered for the State Remission. Moreover, the State Government will not consider those cases where the Appropriate Authority for granting remission of Prisoners is the Central Government.

**(B) Premature Release of Prisoners:**

Government for good and valid reasons can suspend the execution of a sentence or remit the whole or any part of the punishment of a convict in exercise

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of its powers under Section 432 of the Code of Criminal Procedure, 1973. Recently the Hon. Supreme Court in its judgment dated 20/11/2012 in Criminal Appeal(s) No.490-491 of 2011 has observed that the said section statutorily empowers the Appropriate Government with some inherent procedural and substantive checks on the arbitrary exercise of this power. Further the Supreme Court has observed in the said judgment as under;

- (i) **Para-63** An exercise of power by the appropriate Government under sub-section (1) of Section 432 of the Code of Criminal Procedure, 1973 cannot be suo motu for the simple reason that this sub-section is only an enabling provision. The appropriate Government is enabled to "override" a judicially pronounced sentence, subject to the fulfillment of certain conditions. Those conditions are found either in the Jail Manual or in statutory rules. Sub-section (1) of Section 432 of the Code of Criminal Procedure, 1973 cannot be read to enable the appropriate Government to "further override" the judicial pronouncement over and above what is permitted by the Jail Manual or the statutory rules. The process of granting "additional" remission under this Section is set into motion in a case only through an application for remission by the convict or on his behalf. On such an application being made, the appropriate Government is required to approach the presiding judge of the Court before or by which the conviction was made or confirmed to opine (with reasons) whether the application should be granted or refused. Thereafter, the appropriate Government may take a decision on the remission application and pass orders granting remission subject to some conditions, or refusing remission. Apart from anything else, this statutory procedure seems quite reasonable in as much as there is an application of mind to the issue of grant of remission. It also eliminates "discretionary" or enmasse release of convicts on "festive" occasions since each release requires a case-by-case basis scrutiny.
- (ii) **Para-65** For exercising the power of remission to a life convict, the Code of Criminal Procedure, 1973 places not only a procedural check as mentioned above, but also a substantive check. This check is through Section 433-A of the Code of Criminal Procedure, 1973 which provides that when the remission of a sentence is granted in a capital offence, the convict must serve at least fourteen years of imprisonment.
- (iii) **Para-74** There is a misconception that a prisoner serving a life sentence has an indefeasible right to release on completion of either fourteen years or twenty years imprisonment. The prisoner has no such right. A convict undergoing life imprisonment is expected to remain in custody till the end of his life, subject to any remission granted by the appropriate Government under Section 432 of the Code of Criminal Procedure, 1973 which in turn is subject to the procedural checks in that section and

the substantive check in Section 433-A of the Code of Criminal Procedure, 1973.

- (iv) **Para-75** In a sense, therefore, the application of Section 432 of the Code of Criminal Procedure, 1973 to a convict is limited. A convict serving a definite term of imprisonment is entitled to earn a period of remission or even be awarded a period of remission under a statutory rule framed by the appropriate Government or under the Jail Manual. This period is then offset against the term of punishment given to him. In such an event, if he has undergone the requisite period of incarceration, his release is automatic and Section 432 of the Code of Criminal Procedure, 1973 will not even come into play. This Section will come into play only if the convict is to be given an "additional" period of remission for his release, that is, a period in addition to what he has earned or has been awarded under the Jail Manual or the statutory rules.
- (v) **Para-77** Therefore, Section 432 of the Code of Criminal Procedure, 1973 has application only in two situations: (1) Where a convict is to be given "additional" remission or remission for a period over and above the period that he is entitled to or he is awarded under a statutory rule framed by the appropriate Government or under the Jail Manual. (2) Where a convict is sentenced to life imprisonment, which is for an indefinite period, subject to procedural and substantive checks.

At present, the procedures and checks regarding remission by the appropriate Government are given in the Jail Manual. However, it requires certain changes to comply the observations of the Hon. Supreme Court. It requires changing the formation of the Jail Advisory Committee and also the procedure to be followed by the Advisory Committee.

In view of the proceedings of the committee mentioned hereinabove in Para-1 and the aforesaid judgment of the Hon. Supreme Court, it has been decided to form a revised Jail Advisory Committee and also the revised procedure to be followed by the said Advisory Committee as under superseding the previous all the provisions made in this regard.

**Formation of the Jail Advisory Committee**

- District Magistrate (only in district area) or  
Chief Metropolitan Magistrate Chairman
- The District Sessions Judge Member
- The Superintendent of Police or  
Commissioner of Police of the District/City Member
- District Social Welfare Officer Member
- Two Local Members Member
- The concerned Jail Superintendent Member Secretary

**Note:**

- (i) It is observed by the Supreme Court in Criminal Appeal No.490-491/2011 that the appropriate Government is required to approach the Presiding Judge of the Court before or by which the conviction was made or confirmed to opine (with reasons) whether the application for remission should be granted or refused. Therefore, the opinion of the Sessions Judge or equivalent Court with reasons is compulsory.
- (ii) If the conviction is made or confirmed by the Hon. High Court / Hon. Supreme Court (appellant court), the opinion of the appellant court is compulsory.
- (iii) Government will appoint two local members for three years in the Jail Advisory Committee.

**Procedure to be followed by the Jail Advisory Committee:**

The Jail Advisory Committee will follow the guidelines as stated here under.

- (i) The quorum of the Jail Advisory Committee shall be minimum of 2/3<sup>rd</sup> members.
- (ii) The presence of the District Magistrate as Chairman and also the District Sessions Judge or Chief Metropolitan Magistrate as Chairman is compulsory.
- (iii) The District Magistrate or Chief Metropolitan Magistrate will be the Chairman and concerned Jail Superintendent will be the Member Secretary of the Jail Advisory Committee.
- (iv) The meeting of the Jail Advisory Committee shall be convened in every six month.
- (v) The Jail Advisory Committee will consider the cases of prisoners convicted for life imprisonment after the completion of fourteen years of imprisonment only.
- (vi) The process of granting "additional" remission under Section 432 of the Code of Criminal Procedure, 1973 is set into motion in case only through an application for remission by the convict or on his behalf. The convict can apply before completing 14 years. On such an application being made, the concerned Jail Superintendent is required to approach the Presiding Judge of the Court or any equivalent Court and Appellant Courts by which the conviction was made or confirmed to opine (with reasons) whether the application should be granted or refused. Such opinion may be obtained before the prisoner completes fourteen years of imprisonment but after receiving an application from the convict. It is also required to obtain the opinion of the concerned District Magistrate and also the concerned Police Authorities (with detailed reasons) in advance after receiving an application from the convict.

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- (vii) The Jail Advisory Committee shall consider the seriousness of crime, the conduct in the Jail, the status of co-accused, the period of absconding of the prisoner and the sentences in the Jail and also other cognizable offences during the period of Parole/Furlough and also period of absconding.
- (viii) The Jail Advisory Committee will also consider the following guidelines issued by the Hon'ble Supreme Court in the case of Laxman Naskar V/s. State of Bengal reported in AIR 2000 SC 2762.
- (a) Whether offence is an Individual act of crime without affecting the society at large?
  - (b) Whether there is any fruitful purpose of confining of this convict any more?
  - (c) Whether there is any chance of future reoccurrence of committing crime?
  - (d) Whether the convict has lost his potential in committing crime?
  - (e) Socio-economic condition of the convict family?
- (ix) The Jail Advisory Committee will also consider if there is any threat to the state or the National Security at large. In such cases the Jail Advisory Committee will give negative opinion with detailed reasons taking into account the Constitutional right.
- (x) The Jail Advisory Committee will consider the opinion of the judge as mentioned above. The committee will also consider the opinion of the District Magistrate and the Police Authorities. Both are the members of the Advisory Committee, therefore, both should stick to their earlier opinion. If the District Magistrate and also the Police Authorities want to change their earlier opinion, in the meeting of Advisory Committee, in such cases the detailed reasons/justification must be noted in the proceedings.
- (xi) If the Government rejects the proposal for the Premature Release, in such cases the proposal will be reconsidered **only after one year** taking into account all the factors stated herein above.
- (xii) In addition to above, the class of prisoners as shown at **Annexure-I** shall not be considered for the premature release by the Jail Advisory Committee.
- (xiii) The Jail Advisory Committee will take into account every point mentioned above and give its recommendation with detailed reasons. The Inspector General of Prisons will send the proposal of premature release of the prisoners after receiving the recommendations of the Jail Advisory Committee only in the prescribed Checklist as per **Annexure-II** to the Government

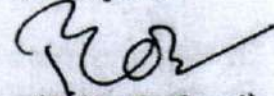
**(C) Premature Release in case of Prisoners transferred to other State:**

In the case of a prisoner who is transferred from the State of Gujarat to other State, (under the provisions of Transfer of Prisoners Act, 1900) the decision

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of premature release will be taken by the Government of Gujarat according to the provision of Section 432 of Criminal Procedure Code (2 of 1974) as the power to remit sentence under Section 432 of the Code of Criminal Procedure is conferred upon the appropriate Government.

By order and in the name of the Governor of Gujarat



(Dilip G. Soni)

Deputy Secretary to Government  
Home Department

TO,

1. Secretary to H.E. Governor of Gujarat, Raj Bhavan, Gandhinagar **(By Letter)**
2. Principle Secretary to Hon. Chief Minister, Sachivalay, Gandhinagar.
3. Personal Secretary to Hon. Minister of State (Home), Sachivalay, Gandhinagar.
4. The Director General & I.G. of Police, Gujarat State, Police Bhavan, Gandhinagar
5. The Registrar, Gujarat High Court, Sola, Ahmedabad **(By letter)**
6. The Chief Metropolitan Magistrate, Ahmedabad.
7. Inspector General of Prisons, Gujarat State, Jail Bhavan, Ahmedabad
8. All Commissioners of Police
9. All District Magistrates & Collectors
10. All District Sessions Judge.
11. All Superintendents of Police
12. All Jail Superintendents.
13. All Departments of Sachivalay, Gandhinagar
14. All Heads of the Department, Home Department, Sachivalay, Gandhinagar
15. All Officers of Home Department, Sachivalay, Gandhinagar
16. Section Officer Select File
17. Deputy Section Officer Select File
18. Select File



Annexure-I

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The following class of prisoners SHALL NOT be granted for State Remission as well as for Premature Release.

- (I) Such prisoners who have been convicted for a crime -
- (a) which was investigated by Delhi Special Police Establishment constituted under Delhi Special Police Establishment Act, 1946 (No.25 of 1946)
  - (b) which involved the misappropriation of or destruction of or damage to any property belonging to the Central Government.
  - (c) which was committed by a person in the Service of Central Government while acting or purporting to act in the discharge of his official duties.
- (II) Such prisoners -
- (a) who have been categorized as habitual offenders under the prevailing rules by the competent authority.
  - (b) who have been ordered by a Magistrate to furnish security and are undergoing imprisonment for not furnishing such security.
  - (c) who are undergoing sentence in default of payment of fine.
- (III) The Prisoners who are convicted for any offence under the following Acts:-
- (1) The Drugs & Cosmetics Act, 1940 (No.23 of 1940).
  - (2) The Foreign Exchange Regulation Act, 1973 (No.46 of 1973)
  - (3) The Employees Provident Funds and Miscellaneous Provisions Act, 1952 (No.19 of 1952).
  - (4) The Prevention of Food Adulteration Act, 1954 (No.57 of 1954).
  - (5) The Essential Commodities Act, 1955 (No.10 of 1955).
  - (6) The Protection of Civil Rights Act, 1955 (No.22 of 1955).
  - (7) The Customs Act, 1962 (No.52 of 1962).
  - (8) The Excise Act, 1955.
  - (9) The Narcotic Drugs and Psychotropic Substances Act, 1985 (No.61 of 1985).
  - (10) The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (No.52 of 1974).
  - (11) The Representation of the Peoples Act, 1951 (No.43 of 1951).
  - (12) The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1980 (No.46 of 1980).
  - (13) The National Security Act, 1980 (No.65 of 1980).
- (IV) (a) A Prisoner or prisoners sentenced for group murder of two or more persons.
- (b) Absconders, including those who are absconding from Parole/ Furlough, bail/ interim bail, police custody or jail and those who have late surrendered in jail from Parole/Furlough, interim bail after three days of the stipulated period.
- (c) Life imprisonment prisoners convicted under TADA or POTA.

- (d) Prisoners convicted for murder with rape or gang rape.
  - (e) Prisoners sentenced under Section 489 of the IPC.
  - (f) Such Prisoners who have been convicted for life imprisonment under Section 302 IPC in connection with Dowry/cruelty cases i.e. Offences under Section 306, 304-B, 498-A etc. of IPC
  - (g) Prisoners convicted for any offence against any law relating to a matter to which the executive power of the State does not extend.
  - (h) Prisoners sentenced to two or more sentences of life imprisonment for two or more separate cases of murder.
  - (i) Prisoners undergoing life sentence, who are having any other criminal case(s) pending against them either with the police for investigation or in the court for trial.
- (V)(a) The prisoners who are notorious, dangerous and involved in gang wars or interstate crime or offences having international ramification,
- (b) The prisoners who are involved in the offences falling under section 392 to 402 of the Indian Penal Code,
- (c) The prisoners who are involved in the serious offences under the Arms Act, 1959, the Explosive Substances Act, 1908, or under the Unlawful Activities(Prevention) Amendment Act, 2008.
- (d) The prisoners who are involved in activities of spying or escaping from Jail,
- (e) The prisoners belonging to banned organizations.
- (VI) Wherever, the Appropriate Authority is Central Government, in those cases, the State Government will not consider for granting the State Remission and Premature Release of the convict Prisoners.

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## Annexure-II

જેલોના ઇન્સ્પેક્ટર જનરલશ્રી યાજ્ઞ સરકારશ્રીમાં સહેલી જલમુક્તિના કિસ્સામાં નિર્ણય માટે મીટિંગવાળી ઘટ્ટી કચ્છાકાનની વિગતો સ્પષ્ટીકરણ થઈ શકે:

## ભાગ-૧

ક્રમ	મુદ્દા	વિગત (કચ્છાકાનના મામલો નં. ૫૬૬-૧)
૧	કોર્ટના પોલીસ ઠીકાની કામ કરવા મુજબ સહેલી જલમુક્તિ માટે પાલિકાને કદી કાનવાળી કચ્છામાં આવેલ અવગુની વિગત (નારીબ સાથે)	
૨	જે જિલ્લામાં કદીએ ગુનો કરેલ કીચ તે જિલ્લાના સેવાના જજશ્રીનો કારણી સક્રિયનો અભિપ્રાય.	
૩	અમદાવાદ શહેર વિસ્તારમાં કદીએ ગુનો કરેલ કીચ તો સંબંધિત પ્રિન્સિપલ જજશ્રીનો કારણી સક્રિયનો અભિપ્રાય.	
૪	એપેલેટ કોર્ટના કારણી સક્રિયનો અભિપ્રાયની વિગત (દાખલ થયેલ અપીલના કિસ્સામાં)	
૫	જે જિલ્લા/શહેર વિસ્તારમાં કદીએ ગુનો કરેલ કીચ તે જિલ્લા/શહેરના પોલીસ અધિકાર/કમિશનરશ્રીનો કારણી સક્રિયનો અભિપ્રાય	
૬	સંબંધિત જિલ્લા અધિકારશ્રીનો અભિપ્રાય કારણી સક્રિય	
૭	જેલ સલાહકાર સમિતિનો કારણી સક્રિયનો અભિપ્રાય.	
૮	જેલોના ઇન્સ્પેક્ટર જનરલશ્રીનો અભિપ્રાય કારણી સક્રિય	

ક્રમ	વિગત	વિગત (દરખાસ્તાના પાના નં. સહિત)
૧	કેદીનું નામ, કેદી નંબર સાથે	
૨	કેદીની જન્મ તારીખ(જન્મ તારીખના પુરાવા સાથે)	
૩	કેદીની ફાલની ઉંમર	
૪	ફાલમાં સજા ભોગવી રહેલ જેલનું નામ	
૫	કેદીને ફાલમાં રાખવામાં આવેલ જેલ તેના વર્ગીકરણ મુજબ છે કે કેમ? જો, ના તો તેના કારણો તથા ફુકમની વિગત(નકલ સાથે)	
૬	સજાની તારીખ	
૭	સજા કરેલ કોર્ટનું નામ	
૮	સેટ ઓફ સહિત ૧૪ વર્ષની સજા પૂર્ણ થવાની તારીખ	
૯	અપીલ થયેલ હોય તો તેનું પરિણામ (કોર્ટના નામ સહિત)	
૧૦	ભોગવેલ વચગાળાના જમીન(સમયગાળા સાથે)	
૧૧	ભોગવેલ કુલ ફર્લો (સમયગાળા સાથે)	
૧૨	ભોગવેલ કુલ પેરોલ (સમયગાળા સાથે)	
૧૩	વચગાળાના જમીન/ફર્લો/પેરોલ પરથી ફરાર થયાની વિગત તથા ફરાર દરમિયાન કોઈ ગુનો આચરવામાં આવેલ હોય તો તેની વિગત.	
૧૪	જેલ શિક્ષાની વિગત	
૧૫	સહ ગુનેગારની છેલ્લી પરિસ્થિતિ દર્શાવતી વિગત (વહેલી જેલમુક્તિ મળવાપાત્ર સંભવિત તારીખ તથા જેલના નામ સાથે)	
૧૬	ગુનાની ટૂંકી વિગત:	
૧૭	જેલ જીવન દરમિયાન કેદીએ કરેલ કામગીરીની વિગત	
૧૮	કેદીના અન્ય ગુનાહિત ઇતિહાસની વિગત (કેસની અદાતન પરિસ્થિતિ સાથે)	

## Government of Gujarat

Home Department

Resolution No.JLK/822012/1859/J

Block No.2, Sardar Bhavan, Sachivalay, Gandhinagar.

Date:25<sup>th</sup> January, 2017

Read with Resolution No.JLK/822012/1859/J, dated 23-01-2014.

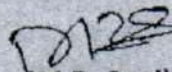
## Resolution (Amendment):-

The State Government vide Resolution of even number dated 23<sup>rd</sup> January, 2014 has framed the policy regarding State Remission and Premature Release of the prisoners. Annexure-I to the said resolution provides for the classes of prisoners who shall not be granted the State Remission as well as the Premature Release. In this connection, the State Government has received several representations in so far as the provisions for the absconders from parole/furlough/interim bail as provided in Para (IV) (b) as also with regard to the prisoners sentenced under section 489 of IPC as provided in Para (IV)(e) are concerned for making suitable amendments therein. After careful consideration, the State Government hereby amends the said resolution dated 23/01/2014 as follows:-

In the Annexure-I to the said resolution -

- (i) In Para (IV)(b), the following proviso shall be added: ✓  
 Provided that this condition shall not be applicable in case of a person who has been convicted for life imprisonment if such person has not absconded from parole/furlough/interim bail in the last ten years of the conviction period; ✓
- (ii) In Para (IV)(e) for the words "section 489 of IPC" the words "section 489(A) and/or 489 (D) of IPC" shall be substituted. ✓

By order and in the name of the Governor of Gujarat,

  
 (M.B. Soni)
Deputy Secretary to the  
Government of Gujarat, Home Department.

To,

- The secretary to the Hon. Governor, Gujarat State, Raj Bhavan, Gandhinagar (by Letter)
- Principal Secretary to Hon. Chief Minister, Sachivalaya, Gandhinagar
- Personal Secretary to Hon. Minister of State (Home), Sachivalay, Gandhinagar
- the DG & IG of Police, 'Police Bhavan' Gujarat State, Gandhinagar
- The Inspector General of Prisons, Gujarat State, Ahmedabad
- Registrar, Gujarat High Court, Sola, Ahmedabad (By Letter)
- The Chief Metropolitan Magistrate, Ahmedabad
- All Commissioner of Police
- All District Magistrates & Collectors
- All District Sessions Judge,
- All Superintendents of Police