

GOA HUMAN RIGHTS COMMISSION

PANAJI – GOA

Proceeding No. 81/2015

INQUIRY REPORT

This is a complaint received from all the inmates of the Women Section, Sub-Jail Sada, Vasco-da-Gama complaining about the canteen and visit facilities at Sada Jail provided to the Prisoners by Prison Authorities.

2. It is alleged that the quality of fruits supplied to them are inferior in quality but at the same time the rates are excessive. It is further alleged that the visitors are allowed to bring only fresh fruits and all other items which are required by them are disallowed. It is stated that one of the lady prisoner has a skin allergy to the soap provided by the Prison Authority and as a result of which she is suffering. The prisoners have prayed that their visitors may be allowed to bring items which are allowed in the canteen such as shampoo, toothpaste, soap, etc.

3. This Commission directed Shri Kiran Poduval, the then Police Inspector, Investigation Cell, attached to this Commission to investigate the matter and submit his report. Accordingly, Shri Kiran Poduval, Police Inspector conducted investigation and submitted his report.

4. This Commission called for a report from the Inspector General of Prisons, Panaji – Goa/Respondent, who submitted his report on 20-11-2015. The Respondent in his report has stated that an explanation was sought from the Canteen Incharge and it was revealed that lemons, green bananas, watermelons and other articles which were purchased as per the orders of inmates were sold to them exactly as per the market value without deducting the transportation charges. It is further stated that all the personnel engaged in frisking duties i.e. IRBn and Jail Staff are directed to allow all articles brought through the visitors of the inmates on visiting days as mentioned in the Goa Prisons Rules after duly verifying its seal and other essential aspects.

5. We have heard Shri Thomas Fernandes, Head Clerk, representative of the Respondent. We have also perused the records of this case.

6. Rule 247 (8) of the Goa Prisons Rules 2006 reads as follows:-
“Approved books, clothing articles, toilet articles and money brought by the interviewers may be deposited in the Prison Office

as prisoner's property. The prisoners shall not be allowed to receive cigarettes, bidis, tobacco or such other items at the time of interviews and shall also not be received at prison office. Articles like food, eatables and fruits shall be allowed to the extent of personal requirements, maximum for a fortnight after thorough examination by a senior officer".

7. The records indicate that by Order No. SJSV/ MISC/2015/2365 dated 17-02-2015, issued by the then Superintendent Sub-Jail Sada, Ajit (IAS) directed the Jailors/ Asst. Jailors/ IRB to permit only fruits and company made packed biscuits. The relevant portion of the said Order dated 17-02-2015 is reproduced below:

"The Jailors/ Asst. Jailors/ IRB to permit only fruits and company made packed biscuits. No loose biscuits shall be allowed during visit to the prisoners. The above instructions should be followed strictly until the specific directions are issued by the Inspector General of Prisons".

8. Needless to say, that the above Order dated 17-02-2015 is inconsistent with the statutory Rule 247 (8) of the Goa Prisons Rules 2006. It is also apparent from the records that the said Order dated 17-02-2015 has not been reviewed by the Prison Authorities. The prisoners are entitled to all the facilities which are available to them in terms of Rule 247 (8) of the Goa Prisons Rules 2006. Denial of such facilities to the prisoners is an infringement of their Fundamental Rights as guaranteed under Article 21 of the Constitution of India and also have a tendency of violating their basic human rights.

9. In the facts and the circumstances of this case, we feel it appropriate to direct the Inspector General of Prisons, Panaji- Goa, to look into the grievances of the lady prisoners keeping in mind the mandate of Rule 247(8) of the Goa Prisons Rules 2006.

With the above observations, the proceeding is disposed off.

Date: 06/01/2016

Place: Panaji – Goa.

Sd/-
(A. D. Salkar)
Member
Goa Human Rights Commission

Sd/-
(J. A. Keny)
Member
Goa Human Rights Commission

