

W/4/2010

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Report on the visit of Sri Damodar Sarangi, Special Rapporteur [East Zone-1] NHRC to District Jail, Keonjhar from 27.11.09 to 29.11.09

I visited Keonjhar district jail from 27.11.09 to 29.11.09 to verify the living conditions of the prisoners and to determine if their human rights are being properly respected and adequately protected by the prison and other authorities. Sri Amiya Kumar Patnaik, superintendent, Sri Ajay Kumar Das, jailor and Sri Manoj Narayan Sarangi, welfare officer, along with other officers of the prison took me round the wards, hospital, manufacturing units and other establishments of the prison and facilitated my interactions with the inmates.

2. Prison population

The sanctioned capacity, the present strength of prisoners and their category wise break up are given in the following table.

Sanctioned capacity	Male	Female	Total
Convicts	207	04	211
U.P.Ps	90	04	94
Others	12	--	12
Total	309	08	317

The prison population	Male	Female	Total
Sessions	114	03	117
Remands	147	13	160
Simple imprisonment	01	--	01
Rigorous imprisonment	275	09	284
Total	537	25	562

Details of convicts	Male	Female	Total
Sentenced to death	--	--	--
Life imprisonment	192	08	200
10 yrs. And above	28	01	29
05 yrs. And above	28	--	28
01 yrs. And above	27	--	27
Below 01 years	01	--	01
Total	276	09	285

Breakup of U.T.Ps	Male	Female	Total
Less than 6 months	226	14	240
06-months to 1 year	27	02	29
01 year to 1.6 years	05	--	05
1.6. years to 2 years	02	--	02
2 years and above	01	--	01
Total	261	16	277

From these figures it would appear that

- i) The prison is severely over populated.
- ii) About 75% of the 286 convicts have been sentenced to life imprisonment.
- iii) Around 50% of the prisoners are Undertrials.

As would be discussed in course of this report, 13 of the UTPs ,who have been granted bail, continue to languish in prison for their inability to find sureties. 22 others, arrested in bailable cases are also languishing in jail for their inability to move bail applications /find sureties.

5 of the convicts and 8 UTPs, listed below are above the age of 65. Six of them are above 70 years of age.

Sl.no	Name of the prisoner	Age as per the statement of the prisoner
1	Guru Charan Tanti (Convict)	70 Years
2	Jata Munda (UTP)	70 Years
3	Khandi Mohakud (UTP)	65 Years
4	Shyam Dhibar (UTP)	65 Years
5	Samai Majhi (UTP)	65 Years
6	Ankur Naik (UTP)	65 Years
7	Jaladhar Sahoo (UTP)	70 Years
8	Padmolochan Sethi (UTP)	65 Years
9	Sanatan Munda (UTP)	65 Years
10	Kalakar Naik (Convict)	70 Years
11	Suna Munda (Convict)	70 Years
12	Narad Munda (Convict)	68 Years
13	Punia Naik (Convict)	70 Years

As per the guidelines circulated by the NHRC, life convicts who have attained the age of 65 could be considered for premature release after serving 7 years of imprisonment including remissions. Life convicts suffering from terminal diseases could be considered for release on attainment of the age of 65 years after serving 5 years of prison term including remission. The jail administration may verify if some of the above convicts qualify to be prematurely released. The bail prayers of the UTPs mentioned above deserve sympathetic consideration and the jail administration may facilitate the submission of such prayers with the help of the legal aid authority, particularly in regards to those who are not in a position to engage lawyers at their own cost .

At present there is no separate arrangement for their accommodation in the jail. They are sleeping in the floor like other prisoners. It should be possible to develop a geriatric ward with iron cots/raised platforms, mosquito nets and other elementary facilities for them.

The following six prisoners appeared to be below 18 years of age.

SI No	Name	Age as per their statement
1	Jogi Juang	14
2	Pitambar Juang	16/17
3	Rabi Das	15
4	Sugrib Juang	15
5	Satan Behera	15

It is unfortunate that a section of police officers are still inflating the ages of children in conflict with law to avoid placing them before the JJBs and escorting them to Observation Homes. These officers require adequate sensitization. The age of the above children may be verified through proper enquiry and required medical/ossification tests and if their age is found to be below 18 years they should be transferred to Observation Homes with the permission of the court and the JJB having jurisdiction.

Four children under the age of six are in this prison at present with their mothers. Two of them were born during the detention of their mothers in the prison.

3. Staff

The sanctioned and actual staff strength of this prison are given in the following table.

Name of the post	Sanctioned strength	The staff actually in position
Superintendent	1	1
Jailor	1	1
Asst. Jailor	3	2
Sub- Asst Jailor	1	1
Chief Head Warder	1	Nil
Teacher	1	1
Jr. Clerk	2	2
Head Warder	5	4
Warder	29	29
Female Warder	2	2
Peon	2	2
Sweeper	4	4
Prison Welfare Officer	1	1
Jail Medical Officer	1	1
Pharmacist	1	1
Tailor Master	1	1
W & D Mistry	1	1

Task Taker	1	1
Carpentry Instructor	1	1

According to the norms formulated by the BPR&D in the Model Prison Manual, 1 guarding staff should be sanctioned against every six prisoners. The daily average inmate strength of this prison is about 550. At the prescribed rate the prison should have a sanctioned guarding staff strength of about 90 personnel, as against which only 35 warders including female warders and head warders are posted now. This strength requires to be enhanced immediately. Assistant jailor Soubhagya kumar Bal, warder Khageswar Mohanty, warder Srikanta Rout and the welfare officer Sri Manoj Narayan Sarangi have completed more than 5 years in this prison and should be considered for transfer. The workshop instructors have spent a decade each in this prison. The task master has been posted for long 22 years. They should also be considered for transfer.

ADG prisons may also consider holding zonal workshops for sensitization of the prison staff to the rights of the prisoners in line with the workshop that was organized in Bhubaneswar in October 2009 which was attended by officers of the level of superintendents and correctional officers. Efforts should be made to organize such workshops/training courses for the guarding staff also.

4. Accommodation

The prison stands on a patch of land measuring 31.142 acres. The office building and majority of the barracks were built in the year 1916. There are in all 16 barracks (including two blocks of general and medical cells) in this prison for the accommodation of the prisoners. I went round the barracks. My observations on them are briefly mentioned below.

Barrack no 1 to 8:

These are located in two blocks of double storey buildings, each with four wings (two in the ground floor and two in the 1st floor). On paper, ward nos.1 to 4 are meant for convicts and ward nos. 5 to 8 for UTPs. As would appear from the following table except for ward no 4 convicts and UTPs are lodged together in all these wards.

Sl.No	Ward No	Schedule capacity	Present population	Convicts	U.T.Ps	Toilet available (day/night)
1	Ward-1	23	35	32	03	One
2	Ward-2	22	36	34	02	One
3	Ward-3	23	32	30	02	One
4	Ward-4	22	33	33	--	One
5	Ward-5	23	65	03	62	One

6	Ward-6	22	54	11	43	One
7	Ward-7	23	64	02	62	One
8	Ward-8	22	67	03	64	One

Prisoners sleep on the floor. There are no cots or raised platforms. There is an attached toilet in each of these wards. These wards are severely over populated. In ward no 5, 7 and 8 the present occupancy is about 300% of the sanctioned capacity. It should be possible to segregate the convicts from the UTPs, even within the constraints of accommodation.

Barrack no - 9 :

This ward is used for the accommodation of female prisoners. It has a capacity for 8 prisoners only. At present 9 convicts and 16 UTPs and 4 children are staying here. Two of these children were born in the prison. All but four of these prisoners are wanted in murder cases. Two sewing machines have been provided to this ward for the training of prisoners.

Barrack no - 10 :

This ward is used for the accommodation of prisoners of tender age. This has a capacity for 12 prisoners At present 9 convicts and 15 UTPs including many adults are lodged here.

Barrack no - 11 :

This ward consists of four cells each cell has an urinal but no latrine. For using the latrines prisoners have to be taken outside the cells. At present 1 convict and 5 UTPs have been kept in these cell. In the night, 3 of these UTPs are transferred to the general wards due to lack of toilet and other facilities in the cells.

Barrack no -12 :

This ward is used as the indoor ward of the hospital.

Barrack no - 13 :

This ward consists of three cells used for the accommodation of psychiatric and TB patients. Cell 1 and 2 are occupied respectively by Bikram Munda and Chandrabhanu Naik, both psychiatric patients. Cell 3 is occupied by 3 TB patients.

Barrack no - 14

This ward is near the hospital outdoor. Geriatric and paralytic prisoners are accommodated here. There are no beds here. The durries supplied to the prisoners are quite dirty. There are no cupboards. Belongings of the prisoners are slung in bags from pegs on the walls. A TV set has been provided.

Barrack no – 15 & 16:

These have been newly built with a capacity for 50 prisoners each. There are no raised platforms in these barracks. At present 47 Convicts are accommodated in barrack no14. In barrack 13, 52 convicts and 1 UTP are lodged. The UTP should be transferred another barrack meant for UTPs.

There are three 'D' type quarters, 8 'E' type quarters and 33 'F' type quarters for the residential accommodation of the staff. Of these 2 'D' type and 5 'F' type quarters are in bad state of repairs. These should be repaired early. 5 'F' type quarters have been condemned. 5 more quarters should be constructed in their place. The barracks for the warders is used for the accommodation of police guards and home guards detailed for the security of the prison. Unused prison land is available for construction of additional accommodation which can no longer be delayed in view of the overcrowding of the available wards. Construction of an interview room with sitting arrangement is urgently necessary as the present arrangement of interview across netted windows is highly unsatisfactory.

5. Food

The scale of diet for the prisoners of the state was last rationalized with effect from 1.1.2007. The scale of diet prescribed for various meals served during the course of the day are as follows.

Tea

Sl.no	Particulars	Scale per day	Price per Kg	Calorie	Rate per head
1	Tea	2mg	Rs60/-	Nil	Rs.0.12
2	Sugar	10mg	Rs21/-	40 kc	Rs.0.21
3	Milk	40mg	Rs15/-	27 kc	Rs.0.60
4	Fuel		P.L.		Rs.0.10
Total				67 kc	Rs1.03 or Rs 1.00

Mid day & Evening meal

Sl.no	Particulars	Scale per day	Price per kg	Calories	Per head/Per day Price (Convict)	Per head Price/per day (UTP)
1	Atta / Rice (Convict)	615gm	Rs15/-	2128 kc	Rs9.23/-	Nil
2	Atta / Rice (UTP)	515gm	Rs15/-	1782 kc	Nil	Rs7.73/-
3	Dal	100gm	Rs42/-	335 kc	Rs4.20/-	Rs4.20/-
4	Salt	25 gm	Rs8/-	Nil	Rs0.20/-	Rs0.20/-
5	Edible oil	15 gm	Rs60/-	135kc	Rs0.90/-	Rs0.90/-
6	Onion	05 gm	Rs10/-	05 kc	Rs0.05/-	Rs0.05/-
7	Tamarind	04 gm	Rs60/-	Nil	Rs0.24/-	Rs0.24/-
8	Condiments	05 gm	Rs80/-	Nil	Rs0.40/-	Rs0.40/-
9	Vegetable	275 gm	Rs14/-	69 kc	Rs3.85/-	Rs3.85/-

10	Leafy Vegetable	24 gm	Rs12	11 kc	Rs0.29/-	Rs0.29/-
11	Fuel			46 kc	Rs3/-	Rs3.00/-
12	Protein diet for Sunday			32 kc	Rs2.32/-	Rs2.37/-
13	Protein diet for Wednesday				Rs1.01	Rs1.51/-
Total				i) Calories for convicts 2761Kc ii) Calories for UTPs 2415 kc	Rs 26.24/-	Rs24.74/-

Breakfast

Suji Halwa

Sl.no	Particulars	Scale per day	Price per Kg	Calorie	Rate per head
1	Suji	100gm	Rs17.00/-	348 kc	Rs1.70/-
2	Sugar	25gm	Rs21.00/-	100 kc	Rs0.53/-
3	Ghee	05 gm	Rs60.00/-	45 kc	Rs0.03/-
4	Salt	01gm	Rs8.00/-	Nil	Rs0.01/-
Total				493 kc	Rs2.27

Ghuguni

Sl.no	Particulars	Scale per day	Price per Kg	Calorie	Rate per head
1	Peas	50gm	Rs18.00/-	158 kc	Rs0.90/-
2	Condiment	03gm	Rs79.50/-	Nil	Rs0.09/-
3	Edible oil	02gm	Rs59.45/-	18 kc	Rs0.01/-
4	Salt	01gm	Rs8.00/-	Nil	Rs0.01/-
Total				176 kc	Rs.1.01/-

Diet for pregnant women and children are to be provided in the following scale.

Age group	Rice/ Atta	Pulses (Dal)	Milk	Roots and Tuber	Green vegetables	Other vegetables	Fruits	Sugar	Oil	Salt	Protein (Egg, Meat, chicken, fish)
1	2	3	4	5	6	7	8	9	10	11	12
6-12 months	45gm	15gm	500ml	50gm	25gm	25gm	100gm	25gm	10gm	10gm	
2 years	60gm	30gm			50gm	50gm			20gm		
3 years	120gm			100gm				30gm	25gm		
4 years	150gm										
5 years	200gm	45gm									
6 years	210gm										

The above order suffers from the following infirmities.

- i) While there can be some justification for issuing different quantities of ration to labouring and non labouring prisoners, the issue of ration at different scales to convicts and UTPs can hardly be justified.

ii) The scale of ration prescribed in the order can not be provided within the maximum permissible price fixed in the same order. For example it is impossible to procure a kilogram of dal @ Rs42/-, fixed in the government order.

It is therefore suggested that the price cap should be removed and the superintendent permitted to purchase ration, vegetables condiments etc from the market based on competitive tenders. The scale of condiments should be increased to 2 gms per head and onion to 10gms. Ginger should also be introduced as part of the diet. It is almost impossible to provide the second protein diet within the price cap of Rs1.51 per head. This rate require to be reviewed.

6. Kitchen

The jail kitchen is in a dilapidated state. The walls and ceilings are full of charcoal soot. The floor is damaged. There is a proposal to dismantle the building. A new kitchen building has been constructed but pending gas connections has not been put to use.

Cooked rice for the prisoners was found stacked on a cemented platform and covered by a mosquito net to ward off flies. This arrangement is clearly unhygienic. Cooked rice may be stored in bamboo baskets. The quality of rice supplied to the prisoners was found to be very poor, full of black and yellow grains. The superintendent informed that rice is received from the supply department from APL quota. ADG prisons may take up the matter with the food and supply department to ensure that rice supplied to the prisons is of good quality. The dining hall is being used for storing paddy just harvested from the prison land. The hall requires to be vacated to be used as the dining hall.

7. Uniforms and Beddings

2 shirts, 2 pants, 2 half pants, 2 towels are issued to the prisoners in a year. Under wears and sweaters are not supplied. Neither shoes nor slippers are issued. Clothing items for prisoners are manufactured in the prison workshops. The prison administration may consider issuing two pairs of under wears and a pair of slippers to each prisoner every year. One sweater / pull over may also be issued every three years. One bed sheet, 1 pillow with cover, one mattress, and two blankets are issued to the prisoners annually. One additional blanket may be issued for the winter months for spreading over the mattress. Prisoners complained that in winter they have no blanket to spread on the floor as both the blankets are used to cover their bodies. Some of the mattresses and blankets, including those issued to the hospital were found to be dirty and tattered, and should be replaced. Mosquito nets are issued to female

inmates only. Such nets should be issued to male prisoners as well. Iron strings may be drawn wall to wall for hanging these nets.

8. Sanitation

In all there are 64 seats in the toilets available in the prison. The toilet prisoner ratio is about 1:8 which is satisfactory. There are 50 water taps in the 3 bath places, for the use of the inmates. Of the two wells one is dry. There is no tube well. Water is supplied by PHD. Prisoners complained that the quality of water is not good. The superintendent should send samples for chemical analysis in the state laboratory. Water filters should be provided in the barracks. Drains are open and should be covered. Each prisoner is issued one cake of Life Buoy soap in a month weighing 90 gms for bathing, as also 5 gms of mustard oil per day. Surf powder is issued for washing clothes. The prisoners did not have any serious complaint regarding the quality or adequacy of the above supplies. They however requested for supply of tooth brush and paste. This request could be considered favourably by the prison administration.

9. Health and Hospital

An eight bedded hospital with 1 MO and 1 pharmacist is sanctioned for this jail. Indoor treatment is however available only for male patients. On the date of my visit (27.11.2009) four patients were admitted in the hospital. One of them was suffering from malaria, another from loose motion, the third was admitted with compound fractures and the fourth with burn injuries. During the year 2008, 433 patients were admitted in the hospital and 21,608 were treated in the outdoor. During the current year 438, and 25,762 prisoners have been treated as indoor and outdoor patients respectively. From these figures it follows that in an average around 80 patients report to the hospital everyday.

There are 39 psychiatric patients in this prison. There is no psychiatrist in Keonjhar district. A psychiatrist from Baripada circle jail has been periodically visiting them. It is advisable to transfer these prisoners to Baripada Circle Jail where they could be better looked after.

There are two chronic patients of Diabetes mellitus, 18 of hypertension, 06 of epilepsy, 03 of Tuberculosis, 01 of Hyperthyroidism, 12 of piles and 3 of Asthma.

Mattresses, blankets and bedsheets issued to the hospital are old, and tattered. These require to be replaced immediately. Medicines are purchased from contractors, selected by the Director of Health Services. The superintendent is also authorized to make local purchases worth up to Rs500/- a day and in special cases up to Rs1000/- a day. There is no O.T. in the hospital. Blood samples are collected from patients and sent

to the district hospital for tests. The hospital requires at least one nursing assistant.

10. Custodial deaths

Between 26.1.1993 and 24.4.2009 there have been ten custodial deaths in this Correctional Home (one in 1993, two in 1996, one in 2000, two in 2004, one in 2005, one in 2008 and two in 2009).

The facts and circumstances of a few recent cases are as follows.

i) UTP 1328/07 Anant Majhi s/o Khoka Majhi of village Talapada, PS-Daitary, dist Keonjhar, accused of GR case no 904/07, GR 935/07 was admitted to this jail on 27.10.2007. On 22.4.2009 at about 2040 hrs he was shifted to district hospital Keonjhar, following pain in the lower abdomen region. He died the next day at about 1215 hrs. The body was subjected to PM examination. Opinion as to the cause of death was kept reserved pending the receipt of the viscera report. In the inquest report the cause of death has been mentioned as LVF hypertension. Magisterial enquiry has not been held on the ground that the death took place in the hospital. This is not in order. A proper magisterial enquiry should be held even at this late stage.

ii) UTP Narayan Palei, about 58 years of age, accused in ST case no 1206/08, was admitted to this prison on 2.4.2009. On 11.4.2009 he fell unconscious in the ward and was sent to the district hospital around 1230 hrs where he died at about 1615 hrs. Inquest, post mortem and magisterial enquiries have been held. Cause of death has been mentioned in the PM report as cerebral haemorrhage due to hypertension. The autopsy surgeons however preserved viscera of the deceased for examination. Viscera reports have not been received. I went through the health screening report of the prisoner, from which it would appear that the subject was hale and hearty at the time of his admission to the prison on 2.4.2009. There is no record of any complaint or treatment between 2.4.2009 and 11.4.2009. Copy of MER is not available with the jail authorities. Copy of the MER and the Viscera report should be submitted to the commission early.

iii) Convict no 7577/A Sk. Jamsed, aged about 35 years, was admitted to prison on 31.1.2002. As reported by the jail authorities Jamsed sustained head injuries on 15/16.1.04 night due to falling down in the lavatory. He was removed to the district hospital at 0330 hrs on 16.01.04 and died there the same day. At the time of his admission, he was medically examined and was found to be free from any disease. From the history of subsequent treatment it would appear that the subject was treated for Stomatitis, Insomnia and Ascariasis with effect

from 30.3.2002. During custody, he sustained injuries in the left knee, left fore finger, left little finger and finally head injury reportedly due to falling down in the lavatory. These incidents took place on 15.9.2002, 24.9.2002, 7.8.2003 & 15.1.2004 respectively. The circumstances in which he sustained injuries on his knee and fingers are not explained. He was also conducting himself violently as would appear from the medical report. But he was never admitted in the jail hospital for treatment. I came across a letter from AIG prisons, Orissa addressed to the superintendent in which he has observed that the death of the subject has occurred due to negligence and callousness on his part and had asked him to explain why action shall not be taken against him for the same. ADG prisons may verify if the required explanation has been received and appropriate action taken against the defaulting officers. Prima facie this case warrants the grant of compensation to the dependents of the victim.

11. Jail industry

There is not enough arrangement or infrastructure in the prison for providing work to all the 284 prisoners who have been sentenced to rigorous imprisonment. A 'khali' factory, opened on 25.6.1997, is lying idle for the last three years. The carpentry unit is also lying idle due to non availability of timber. The weaving, dyeing and tailoring units are functional.

I interacted with the workshop instructors and the prisoners working in these workshops. Three convicts work in the tailoring unit under the supervision of Rajendra Khan, the instructor. There are three sewing machines. The convicts stitch clothes for the inmates. They hardly earn Rs100/- to Rs120/- each in a month. Two machines have recently been acquired for women prisoners who are learning to stitch. They are not being paid any wage.

There are 17 looms in the weaving units. Only 15 inmates have been engaged to work here. 14 inmates have been engaged for manufacturing durees. All of them work under the supervision of Mangal Singh, the weaving instructor. They earn Rs120/- to Rs150/- each per month as their wages. The wages fixed by the government for skilled and unskilled workers are Rs12/ and Rs 10/ respectively. These are very low and require to be enhanced. Besides, the allocation of funds under the head 'Incentives for prisoners' has been progressively in the decline. Against Rs 82,100/ allocated in the financial year 2006-07, Rs 30,026/ and 20,000/ were allocated in the years 2007-08 and 2008-09 respectively. This year the allocation has increased to Rs 45000/, but it is considered still quite low. Even if payments are confined to prisoners working in the three functioning workshops, the amount available for payment to each

such prisoner would be less than Rs 80/ per month which is less than the minimum wage per day payable to unskilled workers in the state.

As has already been mentioned, the carpentry unit is lying idle for last five years. The tailor master, and the weaving and duree mistry are posted here for the last 10 years. The carpentry instructor was posted on 17.3.2000. He was sent on deputation to Baripada central jail for 2½ years and has since returned. The task taker is posted here for the last twenty two years. It appears they have lost interest in their work and are being wasted here. The workshops are not working to capacities. The wages earned are too meager. The state government may issue necessary instructions to the forest department to allocate enough timber for sale to the prison workshops so as to enable them to fully utilize the potentials of the carpentry unit. The wages of the labouring prisoners should be enhanced at least to Rs 30/per day per person for skilled and Rs 25/ for unskilled workers. Enough funds should be allocated in the budget for payment of such wages fully and in time.

12. Education

There is a school in the prison with only 39 inmates in its rolls and one teacher. The school runs from 0800 hours to 1130 hrs in the morning and again from 1430 hrs to 1700 hrs in the afternoon in the assembly hall. There is a library with 544 books. School books and stationeries have been supplied. The jail authorities have however not been able to generate adequate interest among the inmates for taking advantage of the available facilities.

196 of the inmates are illiterate. 210 others, though literate have never attended school. 285 have not gone beyond the first standard. Not a single inmate has been helped to appear in secondary school examination from inside the prison. There are about 200 prisoners who are serving life imprisonment. A large number of prisoners are serving long prison terms. Their life in the prison is otherwise monotonous and dreary. Jail administration should take up the challenge to educate at least some of them up to the Higher Secondary stage. The first priority should be to teach the 196 illiterate inmates to read and write.

13. Recreation

TVs have been provided in the barracks. Facilities for indoor games like carom, chess and ludu are available. Weekly congregations are organized by the Brahmakumaris and Christian Missionaries. Volleyball and carom matches are organized sometimes with outside teams. 100 prisoners were taken out to visit Kalipuja pandals this year. Most prisoners however complained of boredom and lack of adequate recreational facilities. It must be understood that life in the prison could be

unbearably boring. Every effort should therefore be made to keep the inmates engaged in some agreeable activity or the other. For example the inmates could be helped and encouraged to organize cultural programmes inside the prison. Weekly screening of historical, patriotic biographical and educational films could also be arranged. The main festivals of all religions should be celebrated and the inmates encouraged to participate. Music and drama programmes could also be organized. Well known personalities from the field of sports, music, art, literature and culture could be invited to visit the prison and interact with the inmates. In spare times the inmates could be encouraged to read books and magazines. Annual sports and inter institution sports could also be organized.

14. Remission & premature release

A list of life convicts, who have completed / about to complete 14 years of actual imprisonment by 1.10.2010 is reproduced below.

Sl. no	Convict no	Name of the convicts with father's name & address	Date of conviction	Date of admission into jail.	Remission earned	Date of reference to S.P. / D.M., Keonjhar.	Opinion received if any.
1	8189/A	Dasara Soen s/o- Berga Soren At- Patha Hutting Ps- Joda Dist- Keonjhar	23.8.1999	15.11.1994	713 days	20.6.2008	SP Keonjhar had recommended the release. The proposal however did not find favour with the DM.
2	8078/A	Sira Munda s/o- Madhu Munda At- Mandatati (Jamudihi) Ps- Town Dist- Keonjhar	22.4.1997	3.10.1993	846 days	22.6.2009	DO
3	8274/A	Lakin Laxmidhar Munda s/o- Petu Munda	9.1.1996	9.11.1992	1170 days	16.10.2008	S.P. Keonjhar has recommended in

		At- Kathabaunsuli Ps- Sadar Dist- Keonjhar					letter No.5791 dtd.9.9.0 9 and D.M.'s opinion awaited
4	7848/A	Patras Munda s/o- Rusa Munda At- Bhaliadihi Ps- Nayakote Dist Keonjhar	5.9.19 98	4.3.1996	687 days	16.6.2009	Opinion from S.P. and D.M., Keonjhar awaited.
5	8065/A	Basanta @ Basanta Patra s/o- Sankaru Patra At- Bankhidi Ps- Anandpur Dist- Keonjhar	11.5.1 990	30.7.1988(Over stayed furlough leave for 3 years and one month from 1995 to 1998 and recaptured by police)	698 days	16.7.2009	-Do-
6	8214/A	Ganeswar Patra s/o- Sadhu Ptra At- Kaunrikala Ps- Baria Dist- Keonjhar	7.5.19 99	25.2.1995	576 days	11.9.2008	-Do-
7	7560/A	Kangali Mahakud s/o- Kartik Mahakud At- Kasiabeda Ps- raruan Dist- Mayurbhanj	14.5.1 998	1.4.1996	968 days	19.9.2009	-Do-
8	7471/A	Maya Palei s/o- Brahma Palei At- Mursuan Ps- Nayakote Dist- Keonjhar	21.10. 2000	16.4.1996	866 days	19.9.2009	-Do-
9	7380/A	Chandu Tudu s/o- Dharru Tudu At- Kuntala(Majhi Sahi)	20.3.1 999	4.7.1996	796 days	19.9.2009	-Do-

		Ps- Anandpur Dist- Keonjhar					
10	7472/A	Hadu Palei s/o- Brahma Palei At- Mursuan Ps- Nayakote Dist- Keonjhar	21.10. 2000	16.4.1996	864 days	19.9.2009	-Do-
11	8191/A	Bage Munda s/o- Mangulu Munda At- Kuskala(Anth sahi) Ps- Nayakote Dist- Keonjhar	4.4.20 00	9.7.1996	632 days	19.9.2009	-Do-
12	7574/A	Atul Giri s/o- Rushinath Giri At- Sirspal Ps- Town Dist- Keonjhar	26.7.1 993	14.11.199 0 (He was at large on bail from 3.8.96 to 29.1.02)	765 days	19.9.2009	-Do-
13	8077/A	Lutu Sirka s/o- Ludu Sirka At- Uttamsing hutting Ps- Barbil Dist- Keonjhar	4.8.20 00	19.2.1996	525 days	25.8.2009	-Do-

It is gratifying to note that proposals for the premature release of all eligible prisoners have been submitted. In most cases opinion of the district administration is awaited. In three of the thirteen cases the proposals have been rejected by the district magistrate even after favourable recommendations from the SP. In these cases (sl no 1, 2 and 3), the subjects have completed 15, 16 and 17 years of actual imprisonment respectively. Taking into consideration the remissions earned by them, the period of effective detention works out to 17, 19 and 20 years respectively. In all these cases the DM has observed that she is "not inclined for premature release of those booked under section 302 IPC".

Such a mechanical attitude is not in keeping with the spirit of the recommendations of NHRC on the subject, communicated to the state governments under the commission's letter no 233/10/97-98 dated 8.11.99. I had a discussion on the issue with the DM, during which I requested her to take a sympathetic view in such cases unless there are compelling reasons for rejecting such proposals. Most life convicts in Indian prisons are convicted for murder. Blanket denial of the benefits of

premature release to such prisoners would certainly be grossly unjust except in the cases of professional and hired murderers as also in cases where such murders have been premeditated.

15. Welfare of prisoners

Most of the convicts detained in this prison belong to very poor families. They are not habitual criminals and are mostly wanted in impulsive crimes like rape and murder. They have left minor children and old parents back home without adequate means of livelihood. It is gratifying to note that the prison authorities have moved the civil administration for allotment of houses under the Indira Awas Yojana to 41 families of such indigent prisoners. Likewise, proposals have been submitted for allocation of houses to 8 of them under the 'Mo Kudia Scheme'.

Before sanction of such dwelling units the identification of homestead land for the purpose is necessary. In appropriate cases the prisoners may be granted short leave for the purpose with prior arrangement with the local civil authorities.

16. Appeals

Following is a table of jail appeals that are pending for more than six years.

Sl.No	Name of the Life convict	Jail Crl. Appeal No	Name of the legal aid counsel	Date of admission to Jail
1	Hadu Palei	313/2000	Sri Gourishankar Pani	16.4.1996
2	Maya Palei	313/2000	do	do
3	Narada Munda	57/2001	Deepali Mohapatra	24.10.1996
4	Muni Khatoon	60/2001	Mamata Sahoo	23.4.1997
5	Md. Chootelal	do	do	do
6	Patras Munda	258/1998	Pradeep Ku Mohapatra	4.3.1996
7	Lutu Sirika	239/2000	Umakanta Lenka	19.2.1996
8	Chandrabhanu Naik	56/2001	L. Samantaray	15.12.1996
9	Biranchi Juang	19/2002	Ramesh Agarwal	12.10.1997
10	Bage Munda	104/2000	Manoj Kumar Naik	9.7.1996
11	Ganeswar Patra	149/1999	Soubhagya Ketan Naik	25.2.1995
12	Raju Sandil	67/2003	Santosh Kumar Panda	11.6.1997

All the above convicts have undergone more than 12 years of actual imprisonment. One of them namely Ganeswar Patra has completed 14 years of confinement.

As per the existing practice, convicts, whose appeals are pending are not entitled to get leave or parole. At this rate it is not unlikely that some of these appeals will remain pending even after the subjects are released after serving the full sentence / on being granted premature release after serving 14 years in prison. ADG Prisons may take up this matter with the Legal Aid Authority and the Registrar High court.

16 A. Bail matters .

3 convicts and 10 UTPs are languishing in this prison even after being granted bail by the court, for their failure to provide surety.

22 prisoners, wanted in bailable cases are also languishing in this jail for the same reason. A list of these prisoners is given below.

List of prisoners who have been granted bail but unable to furnish surety

Sl.No	Name of the prisoner	UTP / Convict
1	Dubu Munda @ Raju Munda	UTP
2	Tunu Munda	UTP
3	Pandupani Behera	UTP
4	Kirtan Munda	UTP
5	Manoj Kumar Naik	UTP
6	Pandu Patra	UTP
7	Anirudha Naik	UTP
8	Laxmidhar Naik	UTP
9	Dronendra Naik	UTP
10	Kuni Patra	Convict
11	Kuntala Behera	Convict
12	Narada Munda	Convict
13	Madhusudan Naik	UTP

Benevolent Institutions and NGOs may be motivated to stand surety for such prisoners.

A list of the prisoners wanted in bailable cases is given below.

Sl.No	Name of the prisoner	Case No	Sections	Date of admission	Name of the court
1	Sukdev Naik	G.R.664/09	U/s 506/34 IPC	1.9.2009	S.D.J.M., Keonjhar
2	Rebati Naik	do	do	do	S.D.J.M., Keonjhar
3	Kirtan Munda	G.R.715/09	U/s 341/323/324 IPC	25.8.2009	S.D.J.M., Keonjhar
4	Ratna Behera	G.R.562/09	U/s 341/323/294/506 IPC	8.7.2009	S.D.J.M., Keonjhar
5	Rutia Munda	2(A)cc82/09	U/s 47(a)B&O Excise Act	14.8.2009	S.D.J.M., Keonjhar
6	Gobinda Jhora	G.R.634/09	U/s 341/323/294/506 IPC	30.7.2009	S.D.J.M., Keonjhar

7	Umakanta Dehury	G.R.561/09	U/s 354/34 IPC	7.7.2009	S.D.J.M., Keonjhar
8	Rama Ch Naik	G.R.613/ 96	U/s 341/323/294/506 IPC	24.8.2009	S.D.J.M., Keonjhar
9	Chintamani Naik	2(a)CC 93/09	U/s 47(a)B&O Excise Act	30.8.2009	S.D.J.M., Keonjhar
10	Anirudh Naik	G.R. 270/09	U/s 341/294/506 IPC	7.8.2009	S.D.J.M., Keonjhar
11	Mansingh Mahakud	Spl.30/09	U/s 147/148/323/294/ 506 IPC	16.7.2009	S.D.J.M., Keonjhar
12	Kuna Majhi	G.R.605/09	U/s 294/506 IPC	1.8.2009	S.D.J.M., Keonjhar
13	Mitra Bhanu Karua	G.R.928/20 00	U/s 341/323/325/34 IPC	22.9.2009	S.D.J.M., Keonjhar
14	Nageswar Karua	do	do	do	S.D.J.M., Keonjhar
15	Banchanidhi Dandapat	G.R.770/09	U/s 325/506 IPC	15.9.2009	S.D.J.M., Keonjhar
16	Khageswar Naik	2(a)CC 94/09	U/s 47(a)B&O Excise Act	30.8.2009	S.D.J.M., Keonjhar
17	Parsuram Behera	G.R.806/09	U/s 341/323/506 IPC	19.9.2009	S.D.J.M., Keonjhar
18	Paduka Sahoo	G.R.842/03	U/s 447/294/34 IPC	23.9.2009	S.D.J.M., Keonjhar
19	Padma Lochan Mohanta	G.R.820/09	U/s 341/ 323/ 294 /506/34 IPC	do	S.D.J.M., Keonjhar
20	Ghasiram Mohanta	G.R.821/09	do	do	S.D.J.M., Keonjhar
21	Sirapani Mohanta	G.R.820/09	do	do	S.D.J.M., Keonjhar
22	Sadhuram Mohanta	do	do	do	S.D.J.M., Keonjhar

The jail administration may, with the help of the legal aid authority, arrange for the filing of bail petitions in the court of the SDJM for their enlargement on bail.

17. Leave and parole

The state administration has been rather miserly in regard to the grant of parole and leave to the prisoners. A large number of life convicts have not been once granted parole or leave even after spending long years in the prison. Following is a list of some such convicts. The list is only illustrative and not exhaustive.

Sl no	Convict & name	Date of admission	Sentence	Sections	Furlough & parole availed
1	8075/A Sira Munda	3.10.1993	Lifer	302 IPC	NIL
2	8077/A Lutu Sirka	19.2.1996	Lifer	302 IPC	NIL
3	7471/A	16.4.1996	Lifer	302 IPC	NIL

	Maya Palei				
4	8191/A Bage Munda	9.7.1996	Lifer	302 IPC	NIL
5	7522/A Narada Munda	24.10.1996	Lifer	302 IPC	NIL
6	8079/A Chandrabahnu Naik	15.12.1996	Lifer	302 IPC	NIL
7	8080/A Biranchi Jaunga	12.10.1997	Lifer	302 IPC	NIL
8	7842/A Rajkishore Naik	2.2.1998	Lifer	302 IPC	NIL
9	7900/A Sindhu Munda	20.11.1999	Lifer	302 IPC	NIL
10	8025/A Sukram Munda	26.5.1999	Lifer	302 IPC	NIL
11	8189/A Dasara Soren	23.8.1999	Lifer	302 IPC	NIL
12	7788/A Rengta Hembram	15.6.2000	Lifer	302 IPC	NIL
13	7940/A Sinku Munda	19.8.2000	Lifer	302 IPC	NIL
14	8076/A Daktar Digal	30.10.2000	Lifer	302 IPC	NIL
15	7815/A Kandara Munda	8.4.2001	Lifer	302 IPC	NIL
16	8180/A Rahidas Munda	17.9.2001	Lifer	302 IPC	NIL
17	8178/A Chemuru Tiria	17.9.2001	Lifer	302 IPC	NIL
18	7852/A Charana Naik	8.12.2001	Lifer	302 IPC	NIL
19	7853/A Ramanath Kisku	18.4.2002	Lifer	302 IPC	NIL
20	8177/A Raiman Munda	17.9.2002	Lifer	302 IPC	NIL
21	7904/A Kanhei Karji	22.9.2002	Lifer	302 IPC	NIL
22	7884/A Gangadhar Patnaik	27.10.2002	Lifer	302 IPC	NIL
23	7954/A Babu @ Ajit Biswal	20.3.2003	Lifer	302 IPC	NIL

Petitions for parole and leave deserve to be dealt a little more sympathetically. Some of these convicts might have preferred appeal in higher courts and that might have been cited as grounds for denying them the benefits of parole. As has been already discussed in this report, some appeals are pending for more than 6/10 years. The denial of parole to the subjects in such cases will be grossly unjust. If bail could be granted during the pendency of trial and appeals, it is not understood why parole can not be granted during appeal periods. If necessary the permission of the court could be sought in such cases. ADG prisons may take up the matter with the government and through them the Hon'ble

High Court for working out the modalities for temporary release of appellants on parole.

18. Visits and inspections

I went through the Visit Book opened on 5.12.2000. It is only the district judge who has visited the jail periodically. Inspection by departmental superiors have been few and far between. DIG Prison had inspected the prison on 28.12.1999. The next inspection was held by the AIG on 7.6.2006. No further inspection by departmental officers has been held. ADG Prisons may ensure inspection of the prison by officers from his headquarters, at least once every two years. The state government may consider sanctioning posts for Zonal DIGs in the prison department who could be utilised for holding annual inspections, besides performing other administrative duties.

19. Board of Visitors

A Board of visitors was last constituted on 27.7.2009 with the following non-official members.

1. Shri Subarna Naik, M.L.A., Keonjhar Sadar
2. Shri Premananda Naik, M.L.A., Telkoi
3. Shri Dharendra Raut, President, Press Club, At- P.O- Madhapur, Dist- Keonjhar.
4. Smt. Dharitri Raut, President, WOSCA, a voluntary organisation, At- Mining Road, Dist- Keonjhar.
5. Shri Bhagirathi Mahanta, Senior Advocate, At- Badahal, P.O- Keonjhargarh, Dist- Keonjhar

Of the above 5 members, Dharendra Rout has visited the jail twice during the last four months and Dharitri Rout once.

In their remarks they have highlighted the problem of indigent prisoners who are forced to serve longer period of imprisonment for their inability to pay fines, problems relating to premature release and water supply to the prison.

These matters do not appear to have been discussed formally in the meeting of the Board of Visitors.

20. Interaction with the prisoners

I interacted with the prisoners individually and in groups. The following common grievances were projected during such interactions.

- i) Facilities for interview with relatives are inadequate. They have to interact with their relatives across netted windows, which do not permit

a clear view of the interviewers to the prisoner and vice versa. A proper interview hall with sitting and other facilities should be developed in the gate office.

ii) The cook house is in very bad state. There is only one cook house in the prison.

iii) The prison authorities are not able to provide work to the inmates. Hardly 20/25 prisoners get regular work. Wages to skilled and unskilled workers are paid @ Rs12/- to Rs10/- per day respectively. Even that is not received in time. Nothing at all is paid to the trainees.

iv) No cot, cup board or raised platform has been provided in the barracks. No mosquito net is supplied.

v) Apart from TV, they hardly have any source of recreation in the prison.

vi) No footwear is issued.

vii) Quality of water is not good. Water filters have not been provided.

viii) Tooth powder and brushes are not supplied.

ix) There is no blanket for the floors. The two blankets issued are not adequate to weather the severity of winter.

x) The present collector is averse to recommend parole even after police clearance.

xi) Facilities for admission in open universities should be provided. These grievances have already been addressed in course of this report.

Individual grievances presented to me during such interactions are as follows.

i) UTP Madhusudan Tiria

He was arrested on 9.6.09, in GR case no 460/09, u/s 302/341/34 IPC. Though more than five months have past, report in final form has not been filed by the police in the case. His application for bail is not being entertained on the ground that investigation is pending. Back home his wife, and children are spending their time in distress and anxiety. Prays for early completion of investigation.

ii) Mahendra Munda
s/o- Jamadar Munda

He, his two sons and four nephews were admitted to this prison on 31.10.07. They were arrested in GR case no 957/07 u/s 457/376/427/294/506/34 IPC. The trial of the case against them is not making any headway as the main witnesses are absconding. They have appeared in the court on 10 successive dates but no witness appeared for examination. His house has collapsed due to lack of maintenance and his family members have taken shelter in the houses of neighbours and relatives. He is suffering from piles which has aggravated during his detention in prison. Requests for early hearing of their case and treatment for piles.

iii) Suresh Turi

He was admitted to this prison on 28.10.09 for his alleged complicity in GR case no 240/09 u/s 120(B)/302/201/34 IPC. His father (Munsi Turi), and brother-in-law (Balukeswar Turi) have come to Keonjhar to see him on 20.11.09. They have neither met him in prison nor have they returned home. Sri Pradyumna Pradhan and his wife Indumati Pradhan, who reside near Keonjhar district hospital had been threatening to kill his family members since long. He apprehends that his father and brother-in-law, who have remained untraced for the last 8 days might have been harmed by them. He has approached the jail superintendent for help who informed him that the local police station is refusing to register his complaint. Requests for intervention. The superintendent of police may be requested to ensure the registration of the complaint and its investigation.

iv) UTP Dipu Das

He was admitted to this prison on 27.6.07 for his alleged complicity in GR case no 600/01A u/s 376 2(9)IPC. (ST case no 24/251/200-07) Though more than 29 months have past, the trial has not started. Nor is he being granted bail. Prays for speedy trial.

v) UTP Sindhu Chatar

He was admitted to this jail on 3.7.08 for his alleged complicity in GR case no 632/08 u/s 458/397/435/436/427/294/506/34 IPC. He is a marginal farmer. Besides farming, he was also working as a volunteer in an NGO, known as 'KIRTI'. He was arrested in the early hours of 2.7.08. His land record, BPL card, school certificate and other important records were taken by the police. He has been branded as a Maoist and falsely implicated in the above case. Back home his wife and two minor children are living in utter distress in the absence of any other earning member in the family. Prays for bail.

vi) Bhanja Patra

s/o- Jaladhar Patra

He was admitted to this prison on 28.9.08 for his alleged complicity in GR case no 902/08 u/s 451/302/34 IPC. His opponents like Prasanta Patra, Susanta Patra, Ghana Patra and Galia Patra are threatening his family members, throwing stones at their house during night and planning to kill them. He has submitted a petition to the district SP for protection of his family members but no action has been taken in the matter. The superintendent may write to the SP for looking into his grievances.

vii) Convict Dhaneswar Mahakud

He was detained in prison as an UTP from 24.3.1992 to 13.2.1995 in ST case no 102/1992 u/s302/148/323/149 IPC. He was sentenced to life imprisonment on 14.2.1995. On appeal he was enlarged on bail from 14.4.1996 to 19.11.2004 and was again admitted on 19.11.2004 on rejection of his appeal. Effectively he has served 9 years in prison. Says he is about 65 year old. During his period of detention he has been granted parole only once and short leave twice. Prays for his release from prison on ground of old age. On attaining 65 years of age he will be eligible to be considered for premature release.

viii) Convict Kalakar Naik

He has been sentenced to life imprisonment in ST case no 159/17 of 2004-05 u/s 302/34 IPC. He was admitted to prison on 9.5.2004. Claims to be 70 years old and pleads for release on ground of old age. His case has already been discussed in paragraph 2 of this report.

ix) Convict Padma Lochana Sethi

He was admitted to this prison on 16.10.2009, convicted in case no 226/94 u/s 47(a) B&O Excise Act and 25/27 Arms Act. Says his elder son was murdered by one Bijoy Sethi about 2 years ago. Bijoy got bail from the High Court and is threatening to kill his wife, son Tapan and daughter China. Local police has been informed but nothing has been done for the security of his family. The superintendent may bring his grievances to the notice of the SP with a request to look into the same.

x) Convict Dukhabandhu Patra

He and his brother Kapil Patra s/o Kundur Patra village Aura, Ps-Nayakote were admitted to prison on 29.6.2003 and sentenced to life imprisonment in ST case no 96/88/04 u/s 396 IPC.

According to him one Sunday, Sri Jatindra Patra and his wife came to their house in a jeep and requested him and his brother to accompany them to their daughter's house to reach 'Sada' (cakes, sweets and other delicacies given to pregnant women as per social customs) to her. They agreed and accompanied the couple to Kalinga village. They

returned from Kalinga two days after. On Tuesday the police picked them up, suspecting them of complicity in the murder of the driver of the jeep. They are totally innocent. He demands fresh investigation of the case.

xi) UTP Abhimanyu Sethi

He was admitted to prison on 4.11.2008 for his alleged complicity in GR case no 1001/08 u/s 302 IPC. He claims to have been falsely implicated by one Gaurang Sethi. Sri Dhrub Charan Puhan, DSP town has allegedly been visiting the house of Gaurang Sethi for food and drinks, and taking advantage of his absence is threatening to implicate his wife and sister-in-law in false cases and abusing them in filthy languages. Requests for the security of his family members. The superintendent of police may look into the allegations against the DSP .

xii) UTP Laxmidhar Nayak

He was admitted to prison on 26.11.2009 for his alleged complicity in GR case no 129/09 u/s 498(A)/307 IPC and 4 Dowry Prevention Act. Though 10 months have past since his arrest charge has not been framed against him. He is unable to pay his advocate the money demanded by him. His parents are sick. Requests for early completion of investigation and trial of his case.

xiii) UTP Md Sarif

He was admitted to prison on 18.8.2009 in connection with GR case nos 619/09 u/s 341/323/294/506 IPC and 259/07 u/s 436/427/429 IPC. The first case was started on the basis of a complaint lodged by his uncle over minor altercation. In the second case he has allegedly been falsely implicated. Bail has been granted to him in the former case but denied in the latter. He has not received copies of the charge sheet, if any, submitted by the police in the above cases. Requests for bail in the second case.

xix) Laxmidhar Behera

He has been admitted to prison on 31.3.2009 wanted in ST case no 205/08 u/s 364/302/1397/201/120B IPC and has been sentenced to life imprisonment. He had engaged one Saroj Kar to defend him. Saroj Kar entrusted the case to one Sura Jena, without his consent. The said Sura Jena did not cross examine half of the witnesses and abandoned the case half way. Requests for retrial of the case.

xx) UTP Sonu Prasad Singh

He was admitted to prison on 15.2.2009 for his complicity in ST case no 36/176 of 2007 u/s 395 IPC and GR 39/09 u/s 224/120B IPC and IES Act. He was arrested in March 2007 in the former case but not placed in TI parade. His lawyer pleaded before the trial court that as has been decided by the Supreme Court, no one accused of committing

dacoity could be convicted without a TI parade. But the trial court rejected the plea and convicted him.

The second case relates to the planting of explosives in Champua Sub Jail. In that case he was falsely implicated three months after the incident. Requests for fair investigation of the case.

xxi) Sushanta Kumar Barik

He was admitted in prison on 11.8.2009 for his complicity in GR case 678/09 u/s 353/294/506 IPC, GR case 22/09 u/s 392/25(2) Arms Act and GR 260/09 u/s 392 IPC/25(2) Arms Act. Claims to have been falsely implicated in these cases. Back home he has left behind his wife and a four months' old child. Parents and relatives have disowned him for marrying a girl outside their caste.

Prays for fair investigation of the cases registered against him.

xxii) Jaswant Sahoo

He was admitted to prison on 24.4.2009 for his alleged involvement in GR case no 299/09 u/s 420 IPC. As per his version he along with his sister Priyanka Sahoo had rented a portion of the house of one Gobinda Nayak of Samantarapur PS Ghatagaon for their residence. In the course of time he came to know that Gobinda Nayak is a Maoist leader. He informed the police. In retaliation Gobinda Nayak, with the assistance of one of his friends has falsely implicated him in the above case. He has also kidnapped his sister, who remains untraced to this day. He has informed the court and the police. The police have not taken any action to trace his sister or to apprehend Gobinda Nayak. Requests for the recovery of his sister. The superintendent may verify if the police have registered any case on his complaint and if so what is the present state of investigation of the same.

xxiii) Jatindra Patra

He was admitted to prison in ST case no 91/54 of 2004 u/s 396 IPC and was sentenced to life imprisonment on 24.2.2005. He along with his wife and two nephews had gone to his daughter's place in a hired jeep with 'Sada' (sweets, cakes and other edibles given to pregnant women as customary gifts). The jeep driver was paid his dues and released. They stayed in his daughter's house for two days and returned home on Tuesday. On Thursday the police arrested him and his nephews, falsely accusing them of having murdered the jeep driver. Prays for reinvestigation of the case.

xxiv) Convict Kathu Nayak

He was admitted to prison on 3.5.2004 and sentenced to RI for life in ST case no 143/1 of 2004-05 u/s 302 IPC. Back home he has left behind his old parents. He is the only son of his parents. In his absence there is no one to look after them. A few days back elephants have

destroyed his house. Presently they are living in improvised hutments. Requests for grant of old age pension to his parents and a dwelling unit under Indira Awas Yojana. Requests for early hearing of his appeal. If that is not possible he may be released on bail. The welfare officer may request the local BDO for considering his prayer for award of old age pension to his parents.

xxv) Convict Manmohan Das

He has been sentenced to 4 years RI in ST case no 62/2005 u/s 321/507/387/452 IPC. While in jail he was sentenced on 29.1.2008 to one year imprisonment in GR case no 541/03. Requests for orders for concurrent running of the sentences. He was admitted to prison on 7.2.2005 and will complete 5 years on 7.2.2010.

xxvi) Convict Basanta Kumar Patra

He was admitted to prison on 30.7.1988 and sentenced to RI for life on 11.5.1990 in ST case no 55/88 u/s 302 IPC. He has already served 21 years in prison and prays for premature release. His case has already been discussed in paragraph 14 of this report.

xxvii) Suresh Chandra Behera

He was recruited as a sepoy in the Indian Army and posted to 138 Medium Regiment on 29.9.2000. In May 2006 he was posted to 28 Rastriya Rifles on deputation. On 31st October 2006 Lt Col. Sacket Saxena, Coy Commander 'D' Coy of 28 RR had an accidental death. But he was charged for murder and was put to summary General Court Marshal. On 26.2.2007, he was sentenced to death. While in army custody as an under trial he was severely tortured and forced to make a confession. His family members were denied access to him. A lawyer was provided, who had little experience. He was transferred to district jail Jammu on 19.5.2007 where he was kept in a 8' * 8' cell for long 18 months allegedly under the influence of the 15 Core Commander. His case is presently pending in the Army Hqs for post confirmation for which he is unable to file an appeal in the High Court. Pleads for early disposal of his case by the Army Hqs. His grievances may be brought to the notice of the MOD by the commission.

xxviii) Convict Prasanna Mangaraj @ Budha Mangaraj

He was admitted to prison on 3.9.1983 and remained there till 14.3.1985 as an UTP. He was finally sentenced to life imprisonment on 18.1.91 and has been serving the sentence since then. Taking account the period spent as an UTP he has suffered more than 20 years of actual imprisonment. He has two marriageable daughters and a sick wife back home. Requests for premature release. His name does not appear in the list of prisoners whose names have been recommended for premature release. ADG prisons may examine his case.

xxix) Dasarathi Mahakud and 161 others

They submitted a mass petition in which they claimed that in Tamilnadu and Karnatak, life convicts are being considered for premature release after completion of 7 years to 10 years of imprisonment and requested that prisoners in Orissa jails should also be considered for premature release after 7 years of actual imprisonment. They further argued that none of them is a professional criminal and they were merely involved in clashes over land and property leading to deaths and injuries. Some of them, it has been argued, are actually innocent. ADG prison may verify from his counterparts in Andhra and Karnatak, if their claim has any basis. As per the guidelines circulated by the commission, death is an alternative punishment for the offence for which a prisoner has been sentenced to life imprisonment he has to serve 14 years of actual imprisonment before being considered for premature release.

xxx) Muni Khatoon

She was admitted in prison on 23.4.1997 and sentenced to life imprisonment on 6.7.2001 in ST case no 182/97 u/s 302. Her jail criminal appeal no 60/2001 is pending for the last 8 years. Requests for premature release / bail pending the disposal of her appeal petition.

xxxii) Convict Kuni Patra

She was admitted to prison on 28.6.2003 and sentenced to life imprisonment on 24.2.2005 in ST case no 96/88/04 u/s 396 IPC. She along with her husband and two others allegedly murdered a driver in an attempt to take out his vehicle. She was granted bail 2 months back. But there is no one to stand surety for her. The superintendent may approach some benevolent institution/NGO/ person to stand surety for her.

xxxiii) Sara Palei

She was admitted to prison on 5.7.2003 and sentenced to 10 years RI on 21.4.2005 in ST case no 197/03 u/s 304 IPC. Her jail criminal appeal no 11/06 is pending for the last three years. Requests for bail pending disposal of her appeal.

xxxiiii) Sukumari Munda

She was admitted to prison on 4.2.2008 for her alleged complicity in GR case no 22/07 u/s 364(a) /386/506/34 IPC and 25 Arms Act, and was committed to sessions for trial on 16.1.2009. She was used by the Naxlites as a cook. She escaped from their camp and surrendered at Harichadanpur PS, with arms. Requests for her release in view of the circumstances of her case.

xxxiv) Kamini Sahoo

She was arrested in GR case no 455/08 u/s 302/34 IPC and admitted to prison on 14.5.2008. She has been committed to sessions on 15.9.2008. Pleads that her brother-in-law (Debar) murdered her husband under the influence of liquor and she has been falsely implicated in the case. Her two daughters and son are staying in her brother's place. Her husband's house, where she had left her belongings has collapsed. The welfare officer may verify the present condition of her children for extending possible support for their education and upkeep with the help of the civil administration.

xxxv) Smt Sumitra Barik

She was admitted to prison on 25.2.2007 and sentenced to RI for life on 14.5.2009 in ST case no. 157/07 u/s 302/201/394 IPC. She pleaded that the victims in the above case were attempting to kidnap her when she and two of her villagers accompanying her had to resist. One of her defenders also died. The other is in prison. She has a 9 year old son in the village located in Jharkhand. Her husband has married again and her son is being neglected. The welfare officer may write to the local collector for the verification of the child's welfare.

xxxvi) Turi @ Kuntala Behera

She was admitted in prison on 24.2.2009 and sentenced to RI for life in ST case no 205/08 u/s 364/302/397 IPC. Her husband and brother-in-law (Debar) have also been convicted in the same case. Her son (7 years) and daughter (3) have been left in the care of her old mother-in-law who is feeding them by begging. The opponent party has driven them away from their parental home. Prays for the protection and care of her children. The welfare officer may verify the present condition of the children for extending possible support with the help of the district administration.

xxxvii) Ramavati Das

She was admitted to prison on 1.4.2008 and sentenced to life imprisonment on 19.8.2009 in ST case no 175/08 u/s 302 IPC. She has preferred an appeal in the High court. Requests for bail pending disposal of the appeal.

xxxviii) Damayanti Majhi

She, her mother Pansuri Majhi and brother Biswanath Majhi were admitted in prison on 4.4.2009 for alleged complicity in GR case no 240/09 u/s 120B / 302/201 IPC. Though 7 months have past, charge sheet has not been submitted in the case. Nor are they being granted bail. The boy, Biswanath was studying in class X at the time of arrest

and claims to be 17 years of age. The local SP should be requested to expedite the investigation of the case and to verify the actual age of Biswanath at the time of commission of the crime.

xxxix) UTP Jambabati Sahoo

She was arrested in GR case no 667/09 u/s 498A/201/304B/34 IPC and 4 DP Act and admitted to prison on 14.8.2009. She, her husband and two sons are in jail for the death of her daughter-in-law. Claims that it was a love marriage and there is no question of demand of dowry in the first place.

xl) UTP Khiramani Mahanta

She was arrested in GR case no 583/09 u/s 307 IPC and admitted to prison on 15.7.2009. She is the second wife of Kishore Mahanta who has a daughter and a son by the first wife who is also alive. Khiramani has been accused of throwing her husband's son by the first wife, to the well. The case has been charge sheeted. Claims she has been framed in the case. She has also appealed to the women's commission for a fair investigation of the case.

xli) Convict Dashrathi Mahakud

He along with three of his brothers was sentenced to life imprisonment by the learned sessions court Keonjhar on 14.2.1995 in ST case no 102/92 u/s 148/149/302/323 IPC for the murder of Biswanath Barik and Umakanta Barik of his village. According to him, the victims along with their supporters had come to occupy their land forcibly. They resisted the attempt. In the clash that followed, the above persons were killed. In all he has served 9 years in prison. His wife Smt Sabitri Singh is suffering APD I Malaria Anxieties Depression since 2007. Prays for premature release. He had appealed to the High court as well as the Supreme Court. These appeals have been dismissed. It may not be possible to release them before 14 years of actual imprisonment.

xlii) Manoj Pal

He was admitted in prison on 2.4.2008 in GR case no 90/08. Dates for hearing in this case were being fixed each time after 45/50 days, even though the case has been assigned to the Fast Track Court. While still in jail, he has been falsely implicated in GR case no 39/09 u/s 224/551/120B IPC and section 41E Act. There has been no hearing in this case till now. Requests for early trial. If that is not possible he may be enlarged in bail.

xlii) Mahendra Kumar Geri

He hails from Mayurbhanj district of Orissa. He was admitted to prison on 11.10.2009 in GR case no 863/09 u/s 147/148/294/506/337/307/149 IPC and 25/27 Arms Act. Claims to

have been falsely implicated in the case. The police have also extorted Rs40, 000/- from him. Requests for fair investigation of the case.

xliii) During such interactions, some of the inmates complained that they were picked up from their villages by the Special Operation Group of Orissa Police, suspecting them to be Maoist sympathizers. They were detained unauthorisedly at Keonjhar Reserve Police Lines for days together for 'questioning' before being produced in the court. The names of some of these prisoners, the circumstances of their 'arrest' and the durations of their alleged unauthorized detention are as follows.

Sl.No	Name	Circumstances of arrest	Detention period
1	Pathania Munda s/o- Late Sukra Munda village Narthangi penth Ps- Daitary, Dist- Keonjhar	He is a marginal farmer. He was picked up by the police on 18.7.2009 and detained at Keonjhar Reserve Police Lines till 17.9.2009 when he was produced in the court. He has left his mother, wife and four minor children back home. He agreed that Maoist cadres do visit their village and ask for food and money. They also scout for new recruits. For fear of reprisal the villagers are compelled to provide them meals. The police, instead of sympathizing with them implicate them in false cases.	From 18.7.2009 to 17.9.2009
2	Sona Hembram s/o- Late Mohanty Hembram aged about 20 years Vill- Badiparbat Nuasahi	Police picked him on 18.9.2009 suspecting him to be involved in the murder of ASI Bastia and detained and tortured him in the reserve lines till 25.9.2009, the date he was forwarded to the court.	From 18.9.2009 to 25.9.2009
3	Siba Hembram s/o- Shyam Hembram of village Dhudia Pasi aged 19 years	He was picked up on 6.9. 2009 and detained in the police lines till 25.9.2009, the date he was forwarded to the court. He too was suspected by the police of complicity in the ASI's murder.	From 6.9.2009 to 25.9.2009
4	i) Sugrib Juang S/o- Suna Juang of village Gudi Narda aged about 18 years.	They were picked up in the last week of July 2009, while they were on their way to purchase fertilizer from Tumbahara market and detained in the Reserve Lines for more than a month before being	From last week of July 2009 to 17.9.2009.

	ii) Asin Juang S/o- Durba Juang of village Gudi Narda	forwarded to the court on 17.9.2009.	
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Pathania Munda, during his interactions with me, also informed that three other persons namely Kishore Munda, Chirendra Sahoo, and Bijoy Kumar Majhi, all of Rebana Pallaspur were also detained at the Reserve lines for about a week between the last week of July and the first week of August 2009. They were however released on payment of bribes, without being placed before the court. These allegations are extremely serious and amount to gross violation of their right to liberty. I have separately brought this matter to the notice of the commission for ordering an enquiry for appropriate follow up action.

The grievances of the prisoners largely relate to

- a. Delay in investigation, trial and the hearing of appeals,
- b. Denial of bail , leave and parole.
- c. Helplessness of dependents back home and their harassment by the opposite party
- d. Implication and conviction in cases in which they were not involved
- e. Wrongful detention before production in the court etc.

Most of these grievances fall within the purview of the judiciary and may be brought to the notice of the learned district judge who visits the jail at regular interval. It appeared to me that due to lack of awareness and abject poverty, many prisoners are not able to engage competent counsels for their defense. The assistance received from the legal aid authority is also not adequate. ADG prisons may take up the matter with the Legal Aid Authority and the Registrar Orissa High Court for remedies. The prison welfare officer may also help in creating awareness in the prisoners regarding their rights to speedy trial and the provisions in the CrPC regarding bail.

As regards the welfare of the dependents of the prisoners it was heartening to find that the Prison Welfare Officer has been doing a very good job in reaching succor to them. Cases of alleged harassment, abductions and intimidation of dependents as highlighted during the above interactions should be brought to the notice of the SP and result of enquiries communicated to the inmates. The allegations regarding wrongful detentions in the police lines should be brought to the notice of the state DGP for necessary action, by ADG prisons. Applications for Parole and Leave should be considered sympathetically as has been suggested at paragraph 17 of this report.

21. Interactions with the staff

In course of my visit to the prison I interacted with the officers and other staff to verify their working conditions. The grievances of the staff are mainly the following.

i) The guarding staff pleaded for the equalization of their pay and perquisites with officers and men of corresponding ranks in the police force. This is a genuine demand. Some states have already equalized the scales of pay of the guarding staff with those of their counter parts in the police. The state government may consider the demand sympathetically.

ii) Scopes for promotion are limited.

iii) The strength of the guarding staff is extremely inadequate compared to the size of the prison population. The guarding staff are not getting weekly off and have to work for long hours. As has already been recommended in course of this report, their strength require to be enhanced.

iv) The pharmacist posted to the jail hospital has not earned a single promotion even after putting in 26 years of service. In view of the nature of his job, he does not get any weekly off nor is he permitted to avail government holidays. While the guarding staff are availing 20 days CL and 45 days EL, he is getting only 15 days CL and 30 days EL. His prayer deserves sympathetic consideration by the jail administration. The posting of a staff nurse may also relieve him of such duties as dressing, pushing injections and saline etc which he is presently required to perform.

v) The jail school teacher mentioned about lack of promotion prospects and differential pay scales for teachers in the Education and Home Department. The demand deserves serious consideration.

vi) The school teacher, workshop instructors and the miscellaneous staff requested for providing them with some sort of uniforms so that they do not have to face identification problem while entering into the prison for the performance of their duty. They also highlighted the absence of promotion prospects for them. Liveries are issued usually to class IV staff. It is difficult to believe that these members of the staff, some of whom have been working in the jail for decades should face identification problem. If that be so, they may be issued Identity cards.