

Report on the visit of Sri Damodar Sarangi, Special Rapporteur, East Zone-1, NHRC, to Alipore Central Correctional Home, Kolkata on and from 13.07.2012 to 15.07.2012.

I visited Alipore Central Correctional Home, Kolkata on and from 13.07.2012 to 15.07.2012, to verify the living conditions of the inmates and to determine if their human rights are being duly respected and adequately protected by the prison administration and other concerned authorities. Sri Chittaranjan Ghorai, superintendent of the Correctional Home and his officers facilitated my interactions with the inmates and furnished available data and documents for my scrutiny, based on which I proceed to record my observations as follows;

2. Introduction:

Alipore Central Jail, Calcutta (Presently known as Alipore Correctional Home, Kolkata) was established in the year 1906. Its history is closely associated with the history of our freedom movement. Many distinguished freedom fighters, including Netaji Subhas Chandra Bose, Pandit Jawaharlal Nehru, Chitta Ranjan Das, Jatindra Mohan Sengupta and Dr. Bidhan Charan Roy were incarcerated in this prison in course of the freedom struggle. Some of them died in custody. Five of them were executed by the colonial government. A list of these distinguished sons of India are reproduced below;

List of freedom fighters executed in Alipore Central Jail:

Sl. No.	Name of prisoner executed	Date of execution
1	Anantahari Mitra	28.09.1926
2	Promod Ranjan Chowdhury	28.09.1926
3	Dinesh Gupta	07.07.1931
4	Ram Krishna Biswas	04.08.1931
5	Dinesh Majumdar	09.06.1934

List of freedom fighters who died in custody:

Sl. No.	Year of death	Name of the Prisoner
1	1914	Radha Charan Pal
2	1931	Ambika Charan Basu
3	1937	Fanindra nath Nandi
4	1944	Ashidhari Ghosh

3. Prison Population:

As on 13.07.2012, 1908 prisoners were lodged in this Correctional Home. They include 7 foreigners. The detail break up of these prisoners is as follows;

Sl. No.	Description	No. of inmates	
1	Condemned (sentenced to death)	06	
2	Under Trial Prisoners	Remands	789
3		Division - I Remand	07
4		Sessions	443

5	Convicts	Rigorous Imprisonment	627
6		Simple Imprisonment	31
JANKHALASH (Released Prisoners)			05
Civil Prisoners			00
Total			1908

No. of lifers: 394 of the convicts have been sentenced to life imprisonment. 68 of the prisoners are foreign nationals. Their break up is as follows;

Bangladeshis - 65 (36 convicts, 25 UTPs and 4 released prisoners).

Pakistani - 01 (Convict)

Nigerian - 01 (UTP)

Myanmar national - 01 (Released prisoner)

A proposal for the transfer of 20 Bangladeshi convicts to prisons in Bangladesh, submitted by the superintendent under his memo no. 1768/1(2)/R.B dated 08.03.2012 is pending with the government.

4. Staff:

The sanctioned and posted strengths of staff of this Home are given in the following table;

Sl. No.	Designation	Sanctioned Strength	Present Strength	Vacancy
1	Superintendent	1	1	0
2	Chief Controller	3	2	1
3	Security Officer	1	1	0
4	Controller & Asst. Controller	8	4	4
5	Welfare Officer	1	1	0
6	Chief Discipline Officer	1	1	0
7	Discipline Officer	4	4	0
8	Head Clerk	1	1	0
9	UDC	6	6	0
10	LDC	5	2	3
11	Cashier	1	0	1
12	Junior Accountant	1	0	1
13	Mill Mechanic	1	0	1
14	Task Taker	1	1	0
15	Chief Head Warder	3	3	0
16	Head Warder	15	4	11
17	Warder & Female Warder	282+2	189+2	93 +2
19	Sweeper	15	8	7
20	Sweeper (Ext temp)	1	1	0
21	Sweeper (Contractual)	1	0	1
22	Medical Officer (permanent)	4	1	3
23	Medical Officer (Contract basis)	3	3	0
24	Specialist Doctor	7	7	0
25	Pharmacist	3	1	2
26	Physiotherapist (Contract)	1	0	1
27	Radiographer (Grade I)	1	1	0

28	Radiographer (Gr- II)/X-Ray Technician	3	1	2
29	Male Nurse	4	2	2
30	Jail Teacher	2	1	1
31	Psychologist	1	0	1
32	Asst. Psychologist	1	0	1
33	Tailor master (contract basis)	1	1	0
34	Barber (Ext temp)	1	1	0
35	Clinical Psychologist (contract basis)	1	1	0
Total		385+2	249+2	136

It is disturbing to find that about 40% of the sanctioned posts are lying vacant. Vacancies in the ranks of Controllers and Assistant Controllers, Head Warders, Warders, Medical Officers, Pharmacists, Male Nurse and Psychologists should cause serious concern. The state government should take immediate action to fill up these vacancies.

5. Land and Building:

Of the 159 bighas, 11 cottas, 15 chatak and 25 sqft of prison land, 3 acres are encroached, mostly by retired and serving staff. About 60 such families have raised improvised sheds over prison land for their private use.

Of the 85 residential quarters, two are condemned. One (earlier earmarked as a dispensary for the jail staff) is lying unused. Six are occupied by rank outsiders. 74 quarters are occupied by staff of other jails and retired jail staff. This is not a happy situation. The prison administration must take immediate steps to free prison land from unauthorized occupation, besides ejecting unauthorized occupants from jail quarters.

ii. According to a report received from the Assistant Engineer (PWD), Chetla Sub Division, this prison has a capacity for 1671 prisoners. The average available ground area for prisoner works out to 4.35 sq. meters (47.253 square ft). The detailed break up of barrack space available for the accommodation of the prisoners is reproduced below;

Location	Sq.M. of (M2) Ground area	Cu. M (M3) of air space	Existing Sq. M. (M2) of lateral ventilation i.e. door & window	No. of prisoner to be accommodation with respect to Gr. Area & Cu. M3 space
Ward no. I	383.04	1838.59	75.24	103
Ward no. II	593.88	2731.85	112.86	160
Ward no. III	554.04	2493.18	112.86	149
Ward no. IV	383.76	1842.05	75.24	103
Ward no. V	593.88	2731.85	112.86	160
Ward no. VI	383.76	2493.18	112.86	104
Ward no. VII	838.20	3352.80	158.84	211
Ward no. VIII	176.32	846.34	37.62	47
Ward no. IX	554.04	2548.58	56.43	149
Ward no. XII	593.88	2731.85	112.86	160
Cell no. I	108.00	486.00	32.40	12
Cell no. II	98.00	372.40	25.44	10
Cell no. III	151.20	574.56	44.52	16

Cell no. IV	151.20	574.56	44.52	16
Cell no. X	177.32	709.28	84.24	19
Cell no. XI	177.32	709.28	84.24	19
Cell no. XIII	96.04	364.94	45.45	10
Cell no. XIV	129.53	492.20	44.52	14
B. Hazat I	185.30	926.50	37.62	20
B. Hazat II	185.30	926.50	37.62	20
Segregation W	213.40	1024.32	41.80	57
Segreg. Cell	35.04	105.12	12.96	3
Hospl. Bldg.	549.86	3135.45	168.60	98
Martyr Cell	111.60	390.60	28.65	11
Total	7272.71	34401.98	1700.25	1671

The present prison population is 1908. Ground space presently available per prisoner works out to 41.38 sq ft, which is just about satisfactory. As has been discussed below, some cells are lying vacant. These may be used to optimum capacity to ease the pressure on general wards.

iii. I visited a few of the prison wards at random, to verify the living conditions of the inmates. My observations on the conditions obtaining in these wards are briefly as follows;

- a. Cell Block 13 - Of the 15 cells in this block, only six are under occupation. Accommodation was found satisfactory. Convict Akil Ali Khan is one of the occupants. He is detained in this prison for the last 11 years. Requests for parole. Another occupant Sk. Binod pleaded that soon after his release in May 2008, he was booked in a fabricated NDPS case.
- b. Ward 12 (Ground Floor) - 110 prisoners are lodged in this ward, which is provided with low raised platforms. A TV set and one carom board have been issued for the recreation of the inmates. Some of the tube lights are not working and require repairs/replacement.
- c. Ward 12 (1st Floor) - 122 UTPs are lodged in this ward. The water vats and garbage bins inside the ward were found open. Solid wastes were dumped in one corner. Toilet doors were broken. The prisoners have been provided with a carom board and a TV set. Prisoner Hajrat Ali Laskar pleaded that he has been implicated in a fabricated case under the NDPS Act. He does not trust the government lawyer provided to him. Requests for his replacement.
- d. Cell Block 11 - There are 13 rooms in the ground floor and 13 in the 1st floor. 21 of these cells are occupied. Accommodation was found satisfactory.
- e. Ward 2 (Ground Floor) - This ward was found damp and gloomy. 60 prisoners are lodged here. Water vats, provided inside the ward were found open. There is an open platform in one corner, which is being used for washing and bathing. The arrangement is clearly unhygienic.
- f. Ward 2 (1st Floor) - Part of this ward is used as a mosque. 48 prisoners are accommodated in the rest of the ward. There is an open platform in one corner used for washing and bathing. The arrangement is unhygienic.

g. Cells for division prisoners:

There are 28 cells in this block of which 18 are occupied. 2 condemned prisoners, (Binoy Bagdi and Mustaq Mia) are lodged in this block. While the death sentence of Mustaq Mia has since been commuted, that of Binoy Bagdi still stands. Mustaq Mia pleaded that he is innocent and has been falsely implicated. Accommodation was found to be satisfactory.

The prison administration may take early steps to relocate the bathing platforms provided inside some of the wards, get the broken toilet doors repaired, provide covered garbage bins and water vats inside the wards, and arrange for daily disposal of solid wastes.

6. Sanitation:

There are 245 latrines for the use of the prisoners, besides 31 in the prison hospital. The prisoner latrine ratio is about 7, which is satisfactory.

Most drains are open and require to be covered.

The Correctional Home draws water from Kolkata Corporation. In addition, there are three deep tube wells. Pipe water is available in all the wards. There are six overhead tanks. Water samples are periodically sent to the Public Health Laboratory (Bacteriology Section) at 2 Convent Lane, Kolkata. The latest test report, received from Assistant Engineer (PWD) Chelta, indicates that the quality of water supplied to the inmates is satisfactory. Inmates however complained that the water supplied to them has high iron content.

Inmates are issued 2 cakes of life buoy soap weighing 80 gm per month and only 3 gm of mustard oil for inunction. Caustic soda at the scale of 30 gm per inmate is issued for washing of clothes. Prisoners complained that soaps and detergent issued to them are less than requirement. Tooth paste and brush are not issued.

7. Food:

The scale of diet was last notified in G.O. No. 1249-H/4M-175/07, dated 28.11.2007. A copy of the diet scale is enclosed at **Annexure - I** to this report. As verified from the inmates, breakfast (chura/mudi/bread/chatua) and a cup of tea is served to them around 0800 hrs in the morning. Lunch is served between 1100 and 1200 hrs, followed by a cup of tea at 1500hrs. Dinner is distributed between 1530 and 1630 hrs, which is usually partaken after nightfall. Prisoners are compelled by circumstances to eat cold meals in the evening. No wonder they find chapattis, fried before 1500 hrs in the afternoon, unpalatable, by the time they eat their evening meal. There is a gap of about 14 hours between the evening meal and the breakfast served the following morning. The prison authorities may consider serving a small packet of biscuits to the inmates before they go to bed.

500 grams of cereal per prisoner for day is considered insufficient. In nearby Odisha, the prescribed scale of cereal is 615 gm for prisoner. The state government may enhance the scale of cereal to at least 600 gm for prisoner.

ii. Kitchen:

Gas is used as kitchen fuel. There are six ovens. 68 gas cylinders are issued to the prison, which are refilled from time to time. The kitchen windows are not wire meshed. Chapattis are fried on hot plates and piled on iron cots covered with sheets of cloth. These sheets, once white, have turned yellow. Some of these were found torn and tattered. Cooked rice is stored on a cemented platform in a separate hall, also covered by sheets of cloth. After cooling, these are transferred to separate containers for serving to the inmates. The windows of this hall are wire netted. The clothes of the cooks and helpers, themselves prisoners, were found dirty. The prison authorities may ensure that the kitchen staff wear clean clothes. The sheets of cloth used for covering cooked rice and chapatti should be replaced more frequently and properly washed before re use.

8. Clothing and bedding:

I was surprised to find that none of the convict prisoners was wearing uniforms, issued to them by the prison authorities. Prisoners complained that the prison clothes are coarse and uncomfortable. This does not fully explain the situation. This prison has a number of high profile prisoners. Some of them are well educated. It appeared that a section of them are loath to put on prison uniform and the prison authorities have been unable to enforce the dress code. While this may not have much relevance from the human rights point of view, such a situation does affect the overall discipline and orderliness in the prison, which in turn has a bearing on the welfare of the inmates.

ii. No footwear is issued to the prisoners. No sweater or pull over is issued to the inmates for use in winter. The prison authorities may consider issuing one pair of slippers to the prisoners every year and a sweater for every three years duration. They may also consider issuing a ground sheet (once in 5 years), two bed sheets (once in two years) and a pillow (once in two years) to each of the prisoners.

iii. Mosquito nets are issued only on the strength of a recommendation from the medical officer. Alipore is malaria endemic. The prison administration must issue mosquito nets to all the inmates.

9. Education:

There is a school in which 48 prisoners are enrolled. 28 of them are in class I to class IV, the remaining 20 are enrolled in class V to class X. One regular teacher and 13 convict teachers are engaged for imparting instructions to them. The engagement of 14 teachers for teaching only 48 inmates amounts to gross under utilization of resources. The superintendent should motivate more inmates for enrolling themselves in the prison school. As reported by the prison officials, about 10% of the inmates are illiterate. The superintendent may draw a list of these inmates. Efforts must be made to enroll them in the school.

ii. There is a library with 3940 books. No book has been purchased after 1990. In the year 2005, some books were donated by the Ramakrishna Mission. Books are

issued to all interested prisoners including UTPs. Four newspapers in Bengali language (the Bartaman, the Anand Bazar, the Ganasakti and the Pratidin) and two English newspapers (the Statesman and the Telegraph) are subscribed for the library. The library is well furnished.

iii. A computer centre sponsored by the Vedanta Foundation is running in the prison. One convict is in charge of the centre. He is paid Rs. 3000/- per month by the foundation. The first batch of 20 prisoner trainees have already passed out from the Centre. 32 more inmates are presently taking training. While such programmes could be helpful in the rehabilitation of the prisoners after their release, it is advisable that corporate assistance is sparingly taken for the purpose. There have been cases, where corporate houses giving such assistance, have exploited their proximity to the prison administration for ulterior purposes. The funds required for the purpose should be provided by the state government.

iv. It is gratifying to note that a number of prisoners from this Home have appeared and fared well in board and university examinations. Between 2005 and 2011, 18 have passed the madhyamik and higher secondary examinations. 9 of them were placed in 1st division. Two inmates have passed MA (Political Science) in 1st division. Two others have passed BA Part 1 and Part 2 examinations respectively. Both were placed in the 1st division.

10. Prison Industries:

I went round the manufacturing units. My observations on the working of these units are as follows;

i. Carpentry Unit:

Three prisoners are engaged in this unit. They have not been paid their wages for the last three months. The unit is practically defunct due to dearth of raw material. The unit is presently attending to routine repairs of prison furniture. Only when new furniture is required for the prison, timber is purchased from the open market.

ii. Tailoring Unit:

Of the 18 tailoring machines, only six are in use. The six prisoners engaged in the unit stitch uniform for the prisoners and mosquito net for the prison staff. The unit in charge gets Rs. 25/- as his daily wage. Other workers get Rs. 21/- per day. Wages are in arrears.

iii. Weaving Section:

11 prisoners are working in this unit. Six of them get wages @ Rs. 25/- a day. The rest get wages @ Rs. 21/- a day. Supply of raw material is irregular.

iv. Phenyl Unit:

Only two prisoners are engaged here. Both get wages @ Rs. 25/- per day. Phenyl is manufactured for the use in this prison and the sub jails under it.

v. Candle Unit:

Convict Arif Mohammed, who is in charge of the phenyl unit, also works in this unit. Candle is manufactured only during the festive season.

vi. Grinding Unit:

4 prisoners are engaged in this unit. Two of them are paid wages @ Rs. 25/- a day. The other two get wages @ Rs. 21 per day. They break wheat for the prison kitchen.

Those working in the grinding and phenyl units work on Sunday and draw wages for all the seven days in a week.

vii. Printing Unit:

There is a press within the premises of Alipore Central Correctional Home. Standard govt. forms are printed here. Convicts receive vocational training in the press with the hope that this will help them get post- release employment.

While about 20 convicts are working in the various manufacturing units, in an average more than 400 prisoners have been shown engaged in General Duty (GD) which include office work, gardening etc. About 85 work in the press. Those working in the manufacturing units and the press work for six days in a week. The units are closed on Sunday in conformity with the Factory Act. Those on GD are shown engaged round the week. Consequently, they receive higher monthly wages though their duty is much lighter than those deployed in the manufacturing units. This is an anomalous situation and must be corrected. The prison administration must activate the manufacturing units, streamline the supply of raw materials and find outlets for sale of the finished product in the open market. Wages paid to those working in the manufacturing units should be substantially higher than what is paid to those deployed on 'miscellaneous duties'.

11. Interview:

Presently the inmates are permitted to interview their relatives and friends only through the intercom across tinted glass partitions. There are in all five interview cubicles, on one side of which the prisoners sit on an improvised stool, on the other side there are arrangement for two relatives/friends to sit on similar stools. They cannot see each other across the tinted glass partition. The arrangement is worse than in other prisons of the state where interview is allowed across wire netted windows. Construction work is in process to replace the existing arrangement by parallel grilled windows. There is no waiting hall for the relatives who have to wait their turn for interview on open road/under trees.

ii. It is gratifying to note that the prison administration has opened a telephone booth inside the prison, run by Vodaphone for facilitating communication between the inmates and their family members/relatives.

12. Correctional Programmes Organized by the Prison Administration:

With the assistance of the R.K. Mission, Flight to Harmony Foundation, Missionaries of Charity, Apostolic Carmel, Prajapita Brahma Kumaris, Society for

Community Intervention and Research etc, the prison administration has organized various socio cultural activities for the benefit of the prisoners and their children back home. These activities include yoga, meditation, dramas by the inmates, financing of the education of prisoners' children back home, initiation in art and sculpture, counseling of prisoners towards prevention and management of Aid etc.

ii. A Self Help Group called "Naturan Jiban" has been formed with 10 convicts as members, which is running a canteen for the inmates inside the prison since 13th July 2009.

These efforts on the part of the Prison Administration deserve approbation.

13. Recreational Activities:

Facilities for both indoor and outdoor games are available. Colour TVs have been provided in the wards. Important local and national festivals like Durga Puja, ID, Christmas are celebrated. Birthdays of Rabindra Nath Tagore and Netaji Subash Chandra Bose, the Martyrs' day, the Independence Day and the Republic Day are observed. A sports club for the inmates, namely the West Bengal Correctional Home Residents Sports Club has been floated. The club participated in state level Kabadi tournaments.

14. Health and Hospital:

A. There is a hundred bedded hospital in this Home for the treatment of prisoners. Against 4 permanent posts of MOs, sanctioned for the hospital, only 1 regular MO is in position. Three other MOs are contractually engaged. 7 specialists from different disciplines visit the hospital on fixed days of the week. Their details are as follows;

Sl. No.	Name of the MO	Designation	Status	Working Since	Remarks
1	Dr. Basudeb Mukherjee	S.M.O	Permanent	20.10.1987	He was appointed by the Health & Family Welfare Dept.
2	Dr. Puspen Lal Shil	M.O	Contractual	07.02.2003	Period of contract is for one year and renewed from time to time
3	Dr. Jayanta Ku. Das	M.O	Contractual	01.02.2012	Period of contract is for one year and renewed from time to time
4	Dr. Swarup Kundu	M.O	Contractual	01.02.2012	Period of contract is for one year and renewed from time to time

List of visiting MOs:

Sl. No.	Name of Doctor	Specialist/Surgeon	Date of Visit
1	Dr. Shyamal Kanti Saha	Dental Surgeon	Tue/Fri (Twice in a week)

2	Dr. Amitava Guha	ENT Surgeon	Tue/Thu (Twice in a week)
3	Dr. Pradip Kumar Pal	Eye Surgeon	Tue/Fri (Twice in a week)
4	Prof. Dilip Kumar Roy	General Surgeon	Mon to Fri (Five days in a week)
5	Prof. A.P. Dutta	Orthopaedic Surgeon	Tue/Sat (Twice in a week)
6	Dr. Sur Roy Chowdhury	Skin Specialist	Mon/Fri (Twice in a week)
7	Dr. Ashok Bikash Chowdhury	Pathologist	Mon/Fri (Twice in a week)

Dr. Basudeb Mukherjee, SMO, the only regular MO, is posted in the prison hospital since 20.10.1987 i.e. for the last 25 years. He is a psychiatrist.

ii. The posts of 2 of the three pharmacists, the lone physiotherapist, two of the three radiographers and two of the 4 male nurses are lying vacant.

iii. Between 01.01.2012 and 30.06.2012, 4278 prisoners (4001 UTPs and 277 Convicts) were admitted to this prison, which means that in an average about 24 prisoners have to be medically screened every day. During the same period 22 of the newly admitted prisoners were diagnosed to be suffering from Tuberculosis, 699 from Gastroenteritis, 730 from Scabies, 190 from other skin diseases, 43 from Mental Illness, 07 from HIV, 15 from Renal problems and 700 with other diseases. Of the 4278 prisoners admitted during the period, as many as 2544 were suffering from diseases of one nature or the other.

iv. A table showing the number of prisoners admitted/treated in Alipore Correctional Home between 2002 and 2011 is given below;

Year	In-patient		Out-patient	
	UTP	Convict	UTP	Convict
2002	2835	197	27874	7150
2003	2789	121	29984	8320
2004	3137	181	31255	9125
2005	3242	249	35621	10234
2006	2800	296	16536	10428
2007	2410	175	18670	960
2008	2510	205	17850	1040
2009	2456	217	18695	998
2010	1440	155	9520	540
2011	1515	207	10233	612

v. One ICTC unit is functioning in the prison for test and counseling of prisoners suspected to be suffering from AIDs and HIV. Prisoners suffering from tuberculosis are treated under the care and supervision of MOs from DOT, Govt. of India.

vi. A large number of prisoners are received from other Correctional Homes for better treatment in Kolkata based hospitals. In many cases, they are being denied timely treatment in the Medical College Hospitals on the pretext of non-availability

of prisoners ward in such hospitals, want of police escorts etc. One of the reasons for large scale custodial deaths in this prison (213 prisoners have died in this prison between 2001 and 2012) is due to lack of timely treatment.

vii. I went round the hospital and interacted with the patients. The hospital has arrangement for X-ray, ECG, and routine blood tests. Other tests have been outsourced. It takes a full day for receiving test reports from outside agencies. Medicines are purchased based on a centrally controlled tendering process. One ambulance van with a driver has been provided. The hospital has an earmarked ward for the accommodation of patients awaiting their treatment in various medical college hospitals located in Kolkata. On the date of my visit, 25 such patients were waiting for such treatment.

13 patients were admitted in the surgical ward. There is an OT where simple operations like hydrocele, hernia, appendicitis, and tumors are conducted.

There is a de-addiction centre where 32 patients were admitted. All of them were lying on the floor. 4 of them were accused in NDPS cases.

17 patients were admitted in the TB ward, of whom 8 were on DOT. One of them, Ram Hansda, was 75 years old and has been transferred from Berhampore Central Jail. He is in jail for 6 years. The disease has twice relapsed.

In the post-surgical ward, there were 10 patients. One of them, Sk. Jayeed requires open bone repairs of left elbow joint. He is waiting for a seat in a medical college hospital.

viii. Prisoners complained that the contractual doctors are irregular in attendance. They hardly examine the patients. They also complained that sub standard medicine is issued to them.

B. Custodial Death:

Between 2001 and 2012, 213 prisoners died in custody. The average annual death figures from 2007 onwards have almost doubled over the figures for previous years. Year wise break up of these deaths are as follows;

Year	UTP			Convict			Total (A+B)
	In jail hospital	Outside hospital	Sub Total (A)	In jail hospital	Outside hospital	Sub Total (B)	
2001	01	06	07	0	04	04	11
2002	03	04	07	03	01	04	11
2003	01	09	10	01	02	03	13
2004	03	04	07	0	03	03	10
2005	02	07	09	0	04	04	13
2006	0	07	07	02	05	07	14
2007	02	13	15	0	08	08	23
2008	02	07	09	0	10	10	19
2009	03	07	10	01	17	18	28
2010	01	06	07	01	13	14	21
2011	02	09	11	0	16	16	27
2012 (as on 13.07.12)	0	05	05	01	17	18	23

Many of them died within days of their admission in prison. Between 2001 and 2012, 63 such prisoners died within a fortnight of their admission. The superintendent claimed that most of them were transferred to this Home from other prisons in the state, for treatment in Medical Colleges located in Kolkata, and were terminally ill at the time of their admission. While this may be true, it does not explain why the jail administration could not transfer them to the Central Jail in time.

ii. 39 of those who died between 2001 and 2012 were above the age of 70. 24 of them were below the age of 25.

Srikanta Diwan, Dipak Gupta, and Md. Haidar Ali were 18 years old at the time of their death. Haider Ali was a released Bangladeshi prisoner.

List of geriatric patients who died in jail custody between 2001 and 2012:

Sl. No.	Name of the deceased	Category	Sex	Age	Date of admission in CH	Date of death	Cause of death as reported by the superintendent	Place of death
1	Rabi Das s/o Lt. Chandra Narayan Das	Convict	M	75	23.01.01	25.01.01	Natural	M.R. Bangur Hospital
2	Amitava @ Debabrata Chanda	UTP	M	70	27.01.01	21.02.01	Natural	M.R. Bangur Hospital
3	Bhoda Molla @ Echad s/o Lt. Abdul Rehaman	UTP	M	75	28.08.92	29.09.02	Natural	M.R. Bangur Hospital
4	Kapildeo Yadav s/o Lt. Bhola	Convict	M	70	20.09.02	21.12.02	Natural	ACCH Hospital
5	Sudam Roy @ Yadav s/o Babuli	Convict	M	77	20.02.97	21.12.02	Natural	ACCH Hospital
6	Kasia Sk. s/o Nazir Sk.	Convict	M	75	18.08.92	31.10.03	Natural	ACCH Hospital
7	Moinuddin Ahamed s/o Abdul Hossain	Convict	M	71	06.11.03	19.11.03	Natural	M.R. Bangur Hospital
8	Asit Baidya s/o Lt. Sudhir	UTP	M	71	29.09.04	12.01.05	Natural	ACCH Hospital
9	Ayodhya Prasad Yadav s/o Uchitlal	Convict	M	72	28.09.95	03.11.05	Natural	M.R. Bangur Hospital
10	Prabhati Mondal s/o Lt. Jyotish Mondal	Convict	M	75	20.01.06	24.01.06	Natural	M.R. Bangur Hospital
11	Danish Sk. @ Sah s/o Panir Sk.	UTP	M	80	05.03.06	17.03.06	Natural	National Medical College Hospital
12	Arjun Halder s/o Lt. Nilkamal Halder	UTP	M	75	20.02.06	19.03.06	Natural	National Medical College Hospital

13	Panchu Halder s/o Lt. Bhutnath Halder	UTP	M	70	14.12.05	22.03.06	Natural	M.R. Bangur Hospital
14	Basanta Diashi s/o Lt. Sanatan Diashi	UTP	M	79	26.02.06	07.04.06	Natural	M.R. Bangur Hospital
15	Pasupati Mal s/o Lt. Prem Mal	Convict	M	82	25.05.06	27.05.06	Natural	M.R. Bangur Hospital
16	Badal Ghosh s/o Lt. Atul Ghosh	Convict	M	75	08.01.05	07.07.07	Natural	Kolkata National Medical College & Hospital
17	Kamal Kanta Bera	Convict	M	73	31.12.07	11.02.08	Natural	M.R. Bangur Hospital
18	Balaram Jana s/o Lt. Upendra Jana	Convict	M	73	11.04.08	05.05.08	Natural	M.R. Bangur Hospital
19	Soleman Sardar s/o Lt. Kachimuddin	Convict	M	87	27.06.08	24.11.08	Natural	M.R. Bangur Hospital
20	Sudhamoy Biswas s/o Lt. Muchiram	Convict	M	72	31.03.96	29.11.08	Natural	M.R. Bangur Hospital
21	Felu Rajbanshi s/o Rasik Rajbanshi	Convict	M	75	02.03.95 in BCCH	18.01.09	Natural	M.R. Bangur Hospital
22	Gopal Naskar s/o Lt. Kanganal Naskar	Convict	M	71	24.09.91	25.02.09	Natural	CNCI
23	Sayed Ali @ Sudhu Sk. s/o Lt. Gofur Ali	Convict	M	72	03.10.09	11.10.09	Natural	M.R. Bangur Hospital
24	Agni Prasad Jana s/o Lt. Bimal Jana	Convict	M	87	16.02.10	14.03.10	Natural	M.R. Bangur Hospital
25	Yushistir Mahato s/o Lt. Ludhu Mahato	Convict	M	80	29.09.10	11.10.10	Natural	M.R. Bangur Hospital
26	Motilal Rana s/o Lt. Jamu Rana	Convict	M	71	23.10.10	21.11.10	Natural	M.R. Bangur Hospital
27	Niranjan Mondal s/o Lt. Nibaran Mondal	Convict	M	87	12.12.10	12.12.10	Natural	M.R. Bangur Hospital
28	Md. Aftab Ali Jamadar s/o Lt. Md. Jinnat Ali Jamadar	UTP (BDN)	M	70	07.08.10	16.12.10	Natural	ACCH Hospital
29	Basudeb Santra s/o Lt. Surapati Santra	Convict	M	79	25.11.10	22.01.11	Natural	ID Hospital Beliaghat Kolkata
30	Phani Nhusan Singha Mahpatra s/o Baldev	Term Convict	M	75	09.03.11	12.04.11	Natural	M.R. Bangur

31	Lakshan Ch. Ghosh s/o Lt. Debendranath Ghosh	Convict	M	88	15.06.11	23.06.11	Natural	Hospital M.R. Bangur Hospital
32	Ramesh Ch. Pain s/o Kishori Mohan Pain	Convict	M	72	18.11.11	17.12.11	Natural	SSKM Hospital
33	Sripati Sahis s/o Lt. Kalpa Sahis	Convict	M	76	27.01.12	16.02.12	Natural	SNP Hospital
34	Sazim Sk. s/o Lt. Akbar Sk.	Convict	M	72	28.01.12	18.02.12	Natural	M.R. Bangur Hospital
35	Panchanan Mondal s/o Kalipada	Term Convict	M	89	12.04.12	16.04.12	Natural	M.R. Bangur Hospital
36	Latif Khan s/o Lt. Fakir Khan	Convict	M	83	29.03.12	18.04.12	Natural	M.R. Bangur Hospital
37	Selim Dafader @ Seikh s/o Lt. Kurban Seikh	Convict	M	85	24.04.12	02.05.12	Natural	SNP Hospital
38	Madan Hansda s/o Lt. Kalipada Hansda	Convict	M	75	05.04.12	03.06.12	Natural	M.R. Bangur Hospital
39	Kamini Thakur s/o Lt. Kisto Mohan Thakur	BDN (JK)	M	74	18.06.12	01.07.12	Natural	M.R. Bangur Hospital

List of prisoners below 25 years of age who died in custody between 2001 and 2012:

1	Srikanta Dewan s/o Panchanan	UTP	M	18	12.12.00	21.02.01	Natural	M.R. Bangur Hospital
2	Bapi Das s/o Ranjit Das	UTP	M	23	18.04.01	28.04.01	Natural	M.R. Bangur Hospital
3	Chandi Biswas s/o Hazari	Convict	M	22	17.02.00	13.1.02	Natural	ACCH Hospital
4	Subrata Mondal s/o Lt. Biswanath	UTP	M	20	25.05.02	03.06.02	Natural	ACCH Hospital
5	Suraj Van Singh s/o Jagadamba	Convict	M	24	12.02.00	07.05.03	Natural	M.R. Bangur Hospital
6	Annu Sikandar s/o Snyashi	UTP	M	25	02.06.03	04.06.03	Natural	M.R. Bangur Hospital
7	Ashok Pramanik s/o Joydeb	UTP	M	21	20.07.03	04.01.04	Natural	ACCH Hospital
8	Raju Sk. s/o Sajamal	UTP	M	20	05.03.02	19.08.04	Natural	SSKM Hospital (Declared brought dead)
9	Biswanath Halder s/o Lt. Nishikanta	Convict	M	24	31.07.03	22.01.05	Natural	M.R. Bangur Hospital
10	Prasenjit Dutta @ Don s/o Lt. Ranjit	UTP	M	22	16.07.05	01.11.05	Natural	Committed suicide at

								latrine of Cell no. 13
11	Sudeb @ Sukdeb Ghosh s/o Lt. Naba Kumar Ghosh	UTP	M	22	16.12.05	20.12.05	Natural	M.R. Bangur Hospital
12	Miraj Khan @ Sk. s/o Khaleque Khan	Convict	M	22	12/13.01.06	27.01.06	Natural	M.R. Bangur Hospital
13	Asmat Ali s/o Sk. Tayar Ali	UTP	M	22	27.08.07	26.10.07	Natural	Declared brought dead by the MR Bangur Hospital Authority
14	Rajib Maity s/o Bijoy Maity	UTP	M	25	04.11.07	05.11.07	Natural	M.R. Bangur Hospital
15	Dipak Gupta s/o Bachan Gupta	UTP	M	18	18.05.08	25.05.08	Natural	M.R. Bangur Hospital
16	Md. Haider Ali s/o Abdul Majid	Released BDN	M	18	27.11.08	30.12.08	Natural	SSKM Hospital
17	Hannan Kazi s/o Lt. Ayen Ali Kazi	UTP	M	24	18.02.09	20.02.09	Natural	M.R. Bangur Hospital
18	Subhas Barman s/o Karuna Barman	UTP (BDN)	M	22	16.10.09	31.10.09	Natural	Kolkata National Medical College & Hospital
19	Sudam Deb Sharma s/o Lt. Palanu @ Palan	UTP	M	25	29.09.10	18.11.10	Natural	M.R. Bangur Hospital
20	Raju Bagdi s/o Tapas Bagdi	UTP	M	22	26.11.10	28.11.10	Natural	M.R. Bangur Hospital
21	Sajamal Mondal s/o Khalek Mondal	UTP	M	25	26.01.11	09.03.11	Natural	ACCH Hospital
22	Noor Mohammad s/o Lt. Ajizul Haque	UTP (BDN)	M	25	15.06.11	14.10.11	Natural	SSKM Hospital
23	Manik Sk. s/o Lt. Kalu Sk.	UTP	M	25	07.08.11	17.01.12	Natural	M.R. Bangur Hospital
24	Srimanta Hembram s/o Dhuma @ Kabiraj	Life Convict	M	21	17.02.12	28.03.12	Natural	STM Kolkata Medical College & Hospital

Many of them were UTPs and according to the superintendent were terminally ill by the time they were transferred to this Home. The Jail Code makes it incumbent on the superintendent to bring such terminal cases to the notice of the District Judge with a request to release them on bail so that they could die at home.

The death of so many young prisoners in custody is also a cause for concern. The possibility of such deaths being a sequel to custodial violence/neglect cannot be altogether ruled out. This also does not speak well of the quality of medical treatment available in this Home.

It was not possible to scrutinize the facts of all these deaths within the few hours of my visit to the prison. I would however like to mention here the brief facts of two of these cases in which there appears to have been gross miscarriage of justice.

Dipak Gupta, aged about 18 years, son of Bachan Gupta was remanded to this home on 18.05.2008 with multiple injuries inflicted on him, allegedly by an angry mob. He was arrested in Sonarpur PS case no. 206(4)08 u/s 427/379 IPC. He expired on 24.05.2008.

An UD case was registered over the death in Jadavpur PS, in whose jurisdiction the hospital, where the victim expired, is located. The superintendent does not know if any specific case was registered against the members of the mob responsible for Dipak's death and if so what is the present position of the case.

While the inquest report reveals the presence of grievous injuries in the body of the victim, the PM report says that '*no injury either revealed or concealed could be detected even after careful examination and dissection under a hand lense*'

Further, the autopsy surgeons held that, *death was due to the diseased condition of kidney, lungs and liver as stated above, a natural cause.*

The superintendent could not produce a copy of the magisterial enquiry report. Prima facie, the PM report does not appear to be reliable. The Commission may call for a detailed report from the state government on the full facts of the case, along with the Inquest Report, the PM report, the MER, the FIR of the specific case, if any, registered against the mob and the Report in Final Form submitted to the court. This is a case in which a boy of tender age, suspected to have committed a petty offence has been fatally assaulted, reportedly by an angry mob.

The death of another young prisoner, Md. Haider Ali (18), also gives serious cause for concern. Haider Ali, son of Abdul Majid, was a released Bangladeshi prisoner, waiting for his repatriation to his native country. He died on 30.12.2008, while still in custody. His continued detention, even after completion of the sentence, was in itself a violation of his right to liberty. His death in custody during the period of his extended detention is a violation of his right to life. Advanced action for his repatriation could have saved this young man from dying on foreign soil and in custody, the authority for which had already lapsed.

C. Mentally ill prisoners:

29 mentally ill patients are lodged in this prison. They have all been herded into 7'x7' cells in groups of 6 to 7. Eight others were found lying on the veranda. All of them sleep on the floor. One prisoner (Pradip) was found fettered. This is unacceptable. 15 of the mentally ill prisoners are under trial and the rest 14 are convicts. A list of the 15 mentally ill under trial prisoners is enclosed below;

Sl. No.	A.C.C Home	Name	Date of admission	Case reference	Committing Court	Status	Last date of appearance
1	A.C.C Home	Ashit Mondal s/o lt. Haripada Haldar	11.03.93	SC 25(6)95, Kulpi PS case no. 89/93 u/s 325/304 IPC	Lt. Addl. Sessions Judge, 2 nd Court, Alipore, dist-24 Pgs(S)	UTP	05.07.2012
2	Do	Manick Chandra Haldar s/o Jadab Haldar	02.01.94	SC 20(2)95 Baruipur PS case no. 13(1)94 u/s 302 IPC	Ld. Addl. Dist & Sessions Judge, 4 th Court, Alipore, dist-24 Pgs(S)	UTP	12.06.12
3	Do	Sambhu Mondal s/o Nilkanta Mondal	28.11.06	ST 12(4)09, Kashipur PS case no. 84/06 u/s 376F IPC	Ld. Addl. Dist & Sessions Judge, 2 nd FTC, Alipore, dist-24 Pgs(S)	UTP	04.07.12
4	Do	Bhupendra Das s/o Kundan Das	04.01.09	SC 61(7)09, P/Jadavpur PS case no. 72/09 u/s 302 IPC	Ld. Addl. Dist Judge, 1 st FTC, Alipore, dist-24 Pgs(S)	UTP	14.06.12
5	Do	Sk. Habib s/o Karam Ali	30.04.11	Sonarpur PS case no. 299/11 u/s 498A/302 IPC	Addl. Chief Judicial Magistrate, Baruipur, dist-24 Pgs(S)	UTP	11.07.12
6	Do	Bhola Biswas @Bidhan s/o Narendra Biswas	18.01.11	SC 64(9)09, KLC PS case no. 10/09 u/s 304 IPC	Ld. Addl. Dist & Sessions Judge, 3 rd Court, Alipore, dist-24 Pgs(S)	UTP	28.06.12
7	Do	Rameswar Murmu s/o Bankim Murmu	17.06.10	Salboni PS case no. 58/10 u/s 148/149/307/353/18 6/120B/121/121A/12 2/123/124A IPC 25/27 Arms Act, 3/ 4 ES Act, 16/18/20 UAPA Act	Ld. Chief Judicial Magistrate, Paschim Medinipore	UTP	05.03.11
8	Do	Azad Bepari s/o Abdul Rouf	23.05.04	SC 35(2)12, Metiabruz PS case no. 157/01 u/s 399/402 IPC	Ld. Addl. Sessions Judge, 2 nd Court, Alipore, dist-24 Pgs(S)	UTP	16.06.12
9	Do	Dipak Kumar Ghosh s/o Dinesh Chandra Gosh	02.04.10	ST 01(10)10, Thakur Pukur PS case no. 150/10 u/s 376 IPC	Ld. Addl. Sessions Judge, 2 nd FTC, Alipore, dist-24 Pgs(S)	UTP	21.06.12
10	Do	Manick Bauri s/o Sankar Bauri	09.04.11	SC 5(9)06, Khatra PS case no. 08/04 u/s 302 IPC	Ld. Addl. Sessions Judge, FTC, Khatra, dist-Burdwan	UTP	19.06.12
11	Do	Shibu Jadav s/o Lal Bahadur Jadav	17.05.12	Sonarpur PS case no. 200/12 u/s 380 IPC	Ld. ACJM, Baruipur, dist-24 Pgs(S)	UTP	12.07.12
12	Do	Soren Murmu s/o Leda Murmu	05.10.10	SC 06/11, Kalna PS case no. 230/10 u/s 302 IPC	Ld. Addl. Sessions Judge, Kalna, dist-Burdwan	UTP	08.12.11
13	Do	Debendu Gayen @Gurupada s/o Shakti Gayen	26.11.11	ST 2(2)11, Sagar PS case no. 84/10 u/s 302 IPC	Ld. Addl. Dist & Sessions Judge, FTC Kakdwip, dist-24 Pgs(S)	UTP	11.07.12
14	Do	Sanjoy Das s/o Piyari Lal Das	14.02.09	ST 2(11)08, Tiljala PS case no. 139/08 u/s 302/326/34 IPC	Ld. Addl. Sessions Judge, 1 st FTC, Alipore, dist-24 Pgs(S)	UTP	15.06.12

15	Do	Anwar Muslim	s/o	18.04.11	Nodakhali PS case no. 126/11 u/s 14 F Act.	Ld. Magistrate, Class, 8 th Court, Alipore	Judicial 1 st	UTP	11.07.12
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Most of these UTPs are unfit to stand trial. Two of them i.e. Ashit Mondal and Manik Chandra are detained without trial for more than 18 years.

Many such prisoners are languishing in other Correctional Homes of the state. In most cases their relatives are reluctant to take charge of them. The state government must provide for their safe keep outside the prison so that they could be released on bail, as provided for in chapter xxv of the CrPc.

15. Remission:

Rule 768 of the West Bengal Jail Code provides for remission to the extent of one fourth of the period of sentence. The Mulla Committee on prison reforms had recommended that deserving prisoners could be granted remission to the extent of half the sentence.

The inmates complained that while prisoners were earning remission to the extent of 90 days in a year prior to 1992, presently they are getting a maximum of 50 days remission for year, even after hard labour, due to fallacious interpretation of section 62 of the Correctional Services Act 1992 by the authorities. The section does limit ordinary remission to four days a month to prisoners not engaged for night duty. But it also authorizes the superintendent and the IG Prisons to grant special remission. The IG may examine the matter and consider granting remission in suitable cases up to 1/4th of the sentence as provided in the Jail Code.

16. Leave and Parole:

Between 18.08.2011 and 14.07.2012, only 5 prisoners have been granted 30 days parole. 152 have been granted 5 days parole. 98 others have been granted parole ranging from 1 to three days. 81 others have been granted leave for less than 24 hours. Details are as follows;

Sl. No.	Mode of Parole	No. of Convicts availed
1	One Hour	1
2	Two Hours	1
3	Three Hours	2
4	Four Hours	7
5	Five Hours	2
6	Six Hours	55
7	Eight Hours	1
8	Twelve Hours	11
9	Twenty Four Hours	1
10	One Days	7
11	Two Days	3
12	Two Days	7
13	Three Days	81
14	Five Days	152
15	Thirty Days	5
Total		336

The number of prisoners who have been granted parole is very low. It is shocking to find that of the 658 convicts of whom 394 are life convicts, only 5 have been granted 30 days parole in the course of the last one year. The west Bengal Correctional Services Act 1992 is quite liberal in the matter of granting leave and parole to the prisoners. According to this act, convicts could be granted parole annually to the extent of 30 days at a stretch. Those sentenced to less than 5 years of imprisonment could avail the benefit after serving 1 year of the sentence and those sentenced to more than 5 years after 2 years. IG Prisons is authorized to grant short leave even to UTPs. In emergencies even the superintendent could exercise such power. In spite of such liberal provisions, most of the prisoners have not been granted parole even once in the entire duration of their imprisonment.

17. Premature Release:

There are 58 convicts in this prison who have completed 14 years of actual imprisonment (without remission). A list of these prisoners is given below;

Sl. No.	Inmates Name	Father Name	Admission Date	Sentence
1	Abdul Aziz C.K	Lt. Abdul Rahaman	30.03.1993	Life Imprisonment
2	Abdul Hai Gayen	Lt. Majd Ali Gayen	07.02.1998	Do
3	Abed Ali Laskar	Lt. Entaj Ali Laskar	26.05.1998	Do
4	Akhtar Ali @ Md. Vakil	Shah Md.	12.05.1998	Do
	Akhtar Ali @ Md. Vakil	Shah Md.	12.05.1998	Do
5	Ashok Ghosh	Blolanath Ghosh	20.03.1998	Do
6	Ashok Singh@Bhondila	Lt. Sakti Pada Singh	25.10.1997	Do
7	Astango Shasmal	Lt. Jugal Shasmal	08.10.1993	Do
8	Babar Ali Mondal @ Hotkat	Lt. Daud Ali Mondal	13.11.1997	Do
9	Babla Chakraborty	Lt. Khitish	30.09.1993	Do
10	Babu Mitra @ Suroj	Mahendra Mitra	09.05.1982	Do
11	Baira @ Bhimnath Singh	Lt. Laxmi Narayan Singh	19.10.1994	Do
12	Bapi Bouri	Sri Jiban Bouri	16.01.1990	RI
13	Bhabani Prasad Das	Lt. Rajendra Nath Das	20.08.1994	Do
14	Biltu Das	Fatick Das	03.03.1992	Do
15	Debabrata Sarkar @ Totan	Bijoy Sarkar	29.06.1993	Do
16	Franky Jacob	John Jacob	02.03.1994	Do
17	Gopal Mondal	Lt. Mani Mondal	12.07.1990	Do
18	Gulab Jaiswara	Pardeshi Lal Jaiswara	24.05.1995	Do
19	Hakim Sk.	Sk. Erfan	16.12.1997	Do
20	Ismail Laskar	Lt. Sarif Laskar	12.11.1997	Do
21	Jhana Roy @ Jhantu Roy	Lt. Nityanante Karmakar	11.02.1981	Do
22	John Singh	John Surana	12.03.1991	Do
23	Jhoro @ Efazzuddin Molla	Lt. Saharuddin Molla	05.09.1980	Do
	Jhoro @ Efazzuddin Molla	Lt. Saharuddin Molla	05.09.1980	Do
24	Joga Das @ Ramu	Babun Das	03.11.1984	Do
25	Joyanal Laskar @ Mamud Ali	Abdul Khalek Laskar	01.01.1995	Do

	Joyanal Laskar @ Mamud Ali	Abdul Khalek Laskar	01.01.1995	Do
26	Jurnail Singh	Peara Singh	30.04.1990	Do
27	Karan Sinha	Ram Abodh Sinha	17.04.1998	Do
28	Kartik Naskar	Lt. Uttam Naskar	12.11.1997	Do
29	Kauser Baidya	Lt. Kabbat Baidya	12.11.1997	Do
30	Khudiram Naskar	Lt. Nilmoni Naskar	12.11.1997	Do
31	Laxman Shah	Lt. Sultan Shah	15.07.1991	Do
32	Md. Kayum	Lt. Nobi Hossain	17.09.1996	Do
33	Md. Nadir	Md. Alimuddin	27.06.1996	Do
34	Md. Rasid Khan	Md. Ramjan Khan	30.03.1993	Do
35	Nabir Ali Laskar	Lt. Entaj Ali Laskar	26.05.1998	Do
36	Najrul Sha	Lt. Luftar Rahaman Sha	14.06.1996	Do
37	Nashim @ Naso	Afzal Hossain	11.03.1990	Do
38	Nemai Ghatwal	Lt. Babulal Ghatwal	09.07.1998	Do
39	Pancha Malik	Lt. Kala Malik	17.07.1990	Do
40	Rajendra Prasad Rajbhar	Rajaram Rajbhar	10.10.1990	Do
41	Sadhan Ghosh	Lt. Ganesh Ghosh	20.03.1998	Do
42	Samir Lal Chatterjee	Mohan Lal Chatterjee	26.05.1997	Do
43	Sasanka Ghosh	Ranjit Ghosh	21.02.1997	Do
44	Sk. Yakub	Lt. Sk. Ibrahim	16.07.1995	Do
45	Sohan Rajbhar	Raj Kumar Rajbhar	12.03.1991	Do
46	Souvik Bhowmik @ Prince	Lt. Narayan Bhowmik	09.04.1991	Do
47	Sudip Dey @ Chottu	Sibeswar Dey	10.02.1994	Do
48	Suraj Sonkar	Barshathi	31.01.1991	Do
49	Sushil Sahu	Sukadev Sahu	25.09.1996	Do
50	Swapan Mondal	Pratul Mondal	15.06.1990	Do
51	Swapan Naskar	Gopal Naskar	05.08.1983	Do
52	Swapan Sarkar	Lt. Chandi Charan Sarkar	12.01.1993	Do
53	Tapan Chatterjee	Laxman Chatterjee	22.12.1995	Do
54	Tapan Kumar Saha	Lt. Birendra Nath Saha	27.04.1995	Do
55	Umesh Prasad Ram	Guru Charan Ram	11.05.1991	Do
56	Uthan Paul	Ram Kanai Paul	22.01.1996	Do
57	Yusuf Gayen	Lt. Jane Alam Gayen	12.11.1997	Do
58	Zakir Hossain	Lt. Kararuddin	17.04.1998	Do

Twenty of them have completed more than 20 years of imprisonment. Some like Babu Mitra (DA 09.05.1982), Jhana Roy (DA 10.02.1981), Effajudin Molla (DA 05.09.1980), Gopal Naskar (DA 05.08.1983) have completed more than 30 years in prison. What is worse, some of them have not been granted parole even once during this period. The state government may consider their cases for premature release sympathetically.

18. The Status of investigation and trial pending against UTPs:

209 UTPs have completed more than 3 years in this prison. Some of them have been transferred to this prison from other jails. Their actual period of detention may even

be longer. A list of these UTPs is enclosed at **Annexure - II** to this report. Trial against 20 of them is pending for more than 7 years. The case against Asit Mondal (sl. no. 18) is pending for 19 years. He is in this prison since 02.06.1995. It appears, he was in custody in another prison between 11.03.1993 and 02.06.1995. The case against Manik Chandra Halder (sl. no. 90) is pending for 18 years. He is in this prison since 18.01.1994. He has been in custody since 02.01.1994.

75 UTPs have been booked in cases registered under section 498A IPC, 4 of them have completed 4 years in prison. A list of these UTPs is enclosed at **Annexure II - A** to this note.

156 UTPs have been booked under various section of the NDPS Act. 6 of them are in prison for more than 6 years. A list of these prisoners is enclosed at **Annexure - II B** to this note. Many of them complained that they have been falsely implicated by the police.

19. Appeals:

The Correctional Home does not maintain an exhaustive list of pending appeals. The superintendent submitted two separate lists of appeals pending in the High Court and the Supreme Court respectively. These lists are reproduced verbatim as follows;

List of pending High Court, Kolkata.

Sl. No.	Name of inmates	Father's name	Appealing year with CRA reference
1	Kesto Sardar	Naru Sardar	199 to 2009
2	Rafikul Molla	Rahamat Molla	481 to 2010
3	Tapan Saha	Lt. Birendra Nath Saha	105 to 2005
4	Tapan Bouri@Jagu	Naba Bouri	130 to 2007
5	Bipul Mal	Gosta Mal	412 to 2009
6	Praimal Mondal	Biren Mondal	406 to 2006
7	Utam Guria	Lt. Nikhil Guria	409 to 2007
8	Bablu Malik	Gurupada Malik	264 to 2004
9	Mohan Sardar	Haromani Sardar	314 to 2003
10	Murtaja Gazi	Lt. Fakir Gazi	278 to 2005
11	Arjun Kora	Lakhindar Kora	437 to 2005
12	Kartik Debnath		362 to 2000
13	Afjal Hossain		610 to 2005
14	Rintu Biswas		53 to 2006
15	Sanatan Bhowmick		630 to 2006
16	Jagannath Majhi		715 to 2006
17	Alambari Sk.		129 to 2007
18	Sabir Sardar		501 to 2007
19	Pankaj Patra		458 to 2007
20	Fazlur Haque	Lt. Amin	Memo no. 2895/WO dt-08.07.2007

List of pending appeal Supreme Court, India.

Sl. No.	Regd. No.	Name of Inmates	Father's Name	This office memo no. for appeal
1	8458/A	Farooque Ahsan	Sayed Jamil Ahsan	3948/WO dt-18.05.12

2	5700/A	Sambhu Keshri	Bhagwan Das Keshri	1693/WO dt-05.03.12
3	7946/A	Babar Ali Mondal	Lt. Daud Ali Mondal	2692/WO dt- 04.04.12
4	6081/A	Momon Ali Paik	Lt. Mojid Ali Paik	2692/WO dt- 04.04.12
5	8541/A	Pintu Manna	Sri Joydev Manna	2610/WO dt- 03.04.12
6	35/A	Pratap Naskar	Haripada Naskar	1492/WO dt- 28.02.12
7	6169/A	Badal Murmu	Lt. Ganesh Murmu	4365/WO dt- 12.09.05

According to these lists, of the 20 appeals pending in the High Court, 16 are pending for more than 5 years and 7 are pending for more than 7 years. Of the 7 appeals pending before the Supreme Court, only one has been shown pending for 7 years, while the rest relate to the current year.

These lists are not quite reliable as transpired in course of my interactions with the prisoners.

IG correctional Services may ensure that detailed lists of all pending appeals are maintained by the superintendents of West Bengal Prisons, so as to enable the Prison Administration to monitor the progress of hearings of these appeals.

20. The superintendent claimed that a Legal Aid Research & Resource Centre has been opened at the Correctional Home for *providing expeditious, competent and free legal aid services to the inmates with utmost immediacy, to examine the status of mentally ill residents and providing necessary relief, to examine the benefits to the children of inmates of the correctional homes living inside as well as outside the correctional home, to examine the status of HIV infected and affected inmates and suggest action, to examine the status of the released prisoners and suggest action and to examine the status of grievances of inmates claiming to be political prisoner.* While the formation of the cell is a welcome step, it does not appear to have contributed much towards expeditious disposal of trial and the hearing of appeals. Several UTPs represented to me that the lawyers provided to them by the Legal Aid Authority are doing very little for early disposal of trial pending against them. Some complained that the legal aid lawyers are demanding and extorting money from them.

21. Board of visitors:

From the Visitors Report Book it transpired that the Board of Visitors for this prison last met in on 3rd July 2002. Minutes of the meeting are not available. If the superintendent is to be believed, no such Board is in position now. This is not a happy situation. The state government may constitute such Boards for all the Correctional Homes and ensure that the Boards meet at regular intervals.

22. Departmental Inspections:

Periodical inspection by the DIGs/other supervising officers have been few and far between. No Inspection Register is maintained. IG Prison however holds a monthly meeting to review prison conditions. Instructions issued in the meeting are communicated to the superintendents for guidance/compliance. This is however no substitute for annual/periodical inspection. The CJM however visits the prison regularly.

23.A – Interaction with Under Trial Prisoners:

i. UTP Nemaï Karmakar s/o Bishnu

He is detained in this prison with effect from 24.05.2010, for his alleged complicity in Bishnupur PS case no. 241/10 u/s 377 IPC (ST case no. 9(3)11). Pleads that he has been framed by his uncle with the motive to appropriate his land and pond. Requests for speedy trial.

ii. UTP Kartik Adhikary s/o Sundar

He is detained in this prison since 23.08.2009, for his alleged complicity in SC case no. 62(1)08 u/s 399/402 IPC and section 25/27 Arms Act. There has been no progress in the trial. Requests for speedy trial.

iii. UTP Sk. Rasid @ China s/o Abdul Goni

He is admitted in this prison since 12.02.2009 for his alleged complicity in ST case no. 2(12)09 u/s 20(b) (iii) (c) of NDPS Act. Requests for speedy trial.

iv. UTP Ratan Das s/o late Chitta Ranjan Das

He is detained in this prison w.e.f. 06.03.2008, for his alleged complicity in Sonarpur PS case no. 22/08 u/s 395/397 IPC. Though four long years have passed, there has been no progress in the trial of the case. He claims to have been falsely implicated. Back home his wife, minor children and old parents are living in misery. Requests for speedy trial.

v. Kartik Rajbanshi s/o Sukdeb Rajbanshi

He is detained in this prison with effect from 29.05.2009, for his alleged complicity in Kasba PS case no. 117/09 u/s 364/302/201/34 IPC (ST no. 1(1)12). Of the 52 witnesses in his case, only 03 have so far been examined. Requests for speedy trial.

vi. UTP Sasthi Charan Mondal s/o Purna Ch. Mondal

He is detained in this prison w.e.f. 02.06.2012, for his alleged complicity in Kultali PS case no. 90/97 u/s 302 IPC (SC case no. 77(8)10). The case against him is 15 years old. He was granted bail in the case. Despite his repeated attendance, the trial of the case did not make any headway. In despair, he jumped bail and was re-arrested in June 2012. Requests for bail and speedy trial.

vii. UTP Bikash Mondal s/o Basant Mondal

He is detained in this prison since 22.03.2007 for his alleged complicity in Bishnupur PS case no. 72/07 u/s 395/397/307 IPC and 25/27 Arms Act (ST no. 1(7)07). Back home his wife, two minor children and invalid father are living in utter misery. The small parcel of land he had, has been sold and the entire sale proceed has been paid to the lawyer but to no avail. Prays for bail and speedy trial.

viii. UTP Mantu Biswas s/o Chitta Ranjan Biswas

He is detained in this prison w.e.f. 12.07.2012 for his alleged complicity in Bansdroni PS case no. 78/12 u/s 379. The IIC (Sahoo Babu) demanded Rs. 1000/-

from his brother for his release. The money was paid by his brother to SI Raju Babu. Even so, he was forwarded to the court by the IIC.

ix. UTP Jagdish Halder @ Jagai s/o Amay Halder

He is detained in this prison since 17.11.2008 for his alleged complicity in GR case no. 361/08 u/s 394/397, 212/08 u/s 392/397 and case no. 322/08 u/s 392/397 IPC. Prays for speedy trial and bail.

x. UTP Akram Ali Mistry @ Raju s/o Abdul Ajij Mistry

He is detained in this prison w.e.f. 25.10.2009 for his alleged complicity in Thakur Pukur PS case no. 443(10)09 u/s 20B NDPS Act. Pleads that he is a habitual criminal who commits petty thefts. The police has falsely implicated him in the NDPS case. The case is pending in the court of ADJ Alipore. Requests for speedy trial.

xi. UTP Md. Jalal s/o Md. Taher

He was arrested by the police on 07.10.2006 20.06.2010 and is detained in this prison since 20.10.2006 for his alleged complicity in case no. 236/06 u/s 395/397/120(B) IPC. Two of the co accused in the case have been bailed out. But he continues to languish in prison. Of the 24 witnesses in the case, only 11 have so far been examined. Prays for speedy trial/bail.

xii. UTP Salauddin Molla s/o Md. Tawarak

He is detained in this prison w.e.f. 10.05.2011 for his alleged complicity in Sonarpur PS case no. 317/11 u/s 20(i)(b)/29(2)(a) NDPS Act. Before his arrest, he was working in a laundry in Sonarpur. The police picked him from a coffee shop, beat him up and falsely implicated him in the above case. The investigating officer, Sri Abhijit Banerjee told him that let the Trinamul Congress save him now, suggesting thereby that he has been framed in the case for political reasons. 14 months have since gone by. He has appeared in the court 5 times but there has been no progress in the trial of the case. Requests for speedy trial/bail.

xiii. UTP Niyamat Molla s/o Chairale Molla

He is detained in this Home with effect from 09.06.2012 for his alleged complicity in GR case no. 795/12 u/s 302/394/326/342 IPC. Claims that he is a Human Right activist, and has been falsely implicated. Prays for impartial investigation.

xiv. UTP Hari Mitra s/o late Nema Mitra

He is detained in this prison since 05.06.2009 for his alleged complicity in Thakur Pukur PS case no. 235/09 u/s 376 IPC (ST no. 1(3)10). Till now not a single witness has been examined in the case. Requests for speedy trial/bail.

xv. UTP Babu Sona Naskar @ Bapan s/o Lakshman Naskar

He is detained in this Home with effect from 05.05.2012 for his alleged complicity in Sonarpur PS case no. 372/12 u/s 302/34 IPC. He was studying in class XII at the time of his arrest. On 05.05.12, his father, Sri Laxman Nayak, suffered a heart

attack and died. His grandfather, on the instigation of some outsiders, complained that Laxman Nayak was murdered by him and his mother. Requests for fair investigation and bail.

xvi. UTP Netai Pada Mondal s/o Meghnath Mondal

He is detained in this prison w.e.f. 04.06.2012 for his alleged complicity in case no. 78/12 u/s 376/120B IPC. Claims to have been falsely implicated. Prays for fair investigation of the case.

xvii. UTP Jamat Sk. s/o Jiad Ali @ Jamat

He is detained in this prison w.e.f. 23.06.2012 for his alleged complicity in Basanti PS case no. 414/12 u/s 498A/304 IPC. The complaint against him is that he murdered his wife by smothering with a pillow. Claims that his wife died in hospital where she was admitted for treatment and questions how it could be possible on his part to kill her inside the hospital. Prays for proper investigation.

xviii. UTP Gopal Krishna Sardar s/o Motilal Sardar

He is detained in this prison since 17.03.2008 for his alleged complicity in Joynagar PS case no. 65/08 u/s 376 IPC. The prosecutrix had earlier appeared in the court and deposed to the effect that she had lodged the complaint out of personal animosity. The PP is allegedly threatening her to stick to the FIR story. He has two college going children. His wife is begging to support their education. Prays for speedy trial.

xix. UTP Manohar Hossain Molla s/o Jaffar Molla

He is detained in this Home since 10.11.2009 for his alleged complicity in Basanti PS case no. 133/09 u/s 498A/302/326/34 IPC (ST case no. 2(3)11). Trial in the case is not making any headway. So far, not a single witness has been examined. His mother is also detained in this prison in the same case. Back home his three brothers and two sisters, all minors are living in misery. Prays for speedy trial.

xx. UTP Abdulla Gaji s/o Jiad Gaji

He is detained in this Home since 29.10.2008 for his alleged complicity in Joynagar PS case no. 535/08 u/s 498A/326/307 IPC (ST no. 2(6)09). The investigating officer of the case is not appearing in the court. The court had earlier directed the SP of the district to ensure the attendance of the I.O but to no avail. Requests for speedy disposal of the case.

xxi. UTP Mahadeb Mondal s/o Srinibas Mondal

He is detained in this prison with effect from 13.02.2012 for his alleged complicity in Nodakhali PS case no. 47/12 u/s 498A/302 IPC (SC no. 8(5)12). His wife, as claimed by him, died after a brief illness. Based on a false complaint, the police have registered a case of dowry death against him. Requests for bail.

xxii. UTP Gopal Pratihar s/o Gosta Bihari Pratihar

He is in custody w.e.f. 07.03.2012 for his alleged complicity in Barikul PS case no. 06/10 u/s 147/148/149/333/353/186/325/326/307/120 B/121/121A/122/123/124A IPC and 25(2)(a)/27(a)/35 Arms Act, 314 ES Act and Sarenga PS case no. 17/09 u/s 147/148/149/323/324/354/379/427/506 IPC and Sarenga PS case no. 18/09 u/s 307/120B/121/121A/122/123/124A IPC and 25/27/35 Arms Act. He was associated with the activities of the *Janasadharaner Committee*, which was fighting for the cause of poor tribals of Jangal Mahal. His son, Sibu Pratihar was tortured to death by Sarenga police in custody. He himself had surrendered to the police. His mother is 105 years old and is bed ridden. He is hard of hearing and was transferred to this prison for treatment. He is waiting for a hearing aid for the last 24 days. Request for bail, which will enable him to see his mother.

xxiii. UTP Sachin Ghosal @ Tapan,
Sanjoy Mondal and
Radhesyam Das

They are detained in this prison for their alleged complicity in Bishnupur PS case no. 317/10 u/s 18B/19/20/UAP Act 1967/121/121A/122/124A IPC and 25/27 Arms Act, 3/4 ES Act. They were sympathizers of mass movements like the agitation against land acquisition in Nandigram etc. They have been falsely charged with sedition and detained in prison for the last two years. Pray for bail and withdrawal of the "false" cases registered against them.

xxiv. UTP Sidharth Mondal @ Amit s/o Sahishnu

He is detained in this prison since 23.07.2010 for his alleged complicity in GR case no. 523/09 u/s 147/148/149/448/323/427/436/379/306 IPC and Khejuri PS case no. 65/10 u/s 121/121A/122/123/124/124A/120B IPC and 25/27 Arms Act. He has been branded as a Maoist and arrested by the CID at the behest of Trinamul Congress, based on fabricated evidence. Prays for fair investigation and bail in the intervening period.

xxv. UTP Suchitra Mondal s/o Khagendu Mondal

He is detained in this prison w.e.f. 24.04.2012 for his alleged complicity in case no. 50/12 u/s 376/448/323 IPC. Claims to have been falsely implicated in the case. Requests for fair investigation and bail.

xxvi. UTP Sudhir Roy s/o Hira Singh

He is detained in this Home since 23.08.2003 for his alleged complicity in a case u/s 399/402 IPC and 25/27 Arms Act and 4/5 ES Act. He has already spent 8 years in prison. Twice he has pleaded guilty before the magistrate. His lawyer, provided by the government, does not appear in Court as he is unable to pay the fees demanded by him. Nor has he ever met him. Requests for legal assistance.

xxvii. UTP Kali Pada Sarkar s/o Debendra Nath Sarkar

He is detained in this prison w.e.f. 22.05.2012 for his alleged complicity in case no. 43/10 u/s 366/120B/34 IPC. He has allegedly been falsely implicated in the case. Pleads for proper investigation.

xxviii. UTP Subodh Kumar Singh s/o Nandkishore Singh

He is detained in this Home since 09.03.2005 for his alleged complicity in S.P.P.S case no. 147/04 u/s 302/394/34 IPC (ST no. 2(7)06). Of the 31 witnesses in the case, only 14 have so far been examined. Requests for bail pending completion of trial.

xxix. UTP Pratab Shaw s/o Kedarnath Shaw

He is detained in this Home since 19.06.2009 for his alleged complicity in Kasba PS case no. 117/09 u/s 364/302/201/34 IPC (ST no. 1(1)12). Of the 52 witnesses in the case, only 03 have so far been examined. Requests for speedy trial.

xxx. UTP Basudeb Kayal

He is detained in this prison since 03.05.2008 for his alleged complicity in Tiljala PS case no. 139/08 u/s 302/326/34 IPC. At the time of his arrest he was only 16 years and 7 months old, as would appear from his birth certificate. Requests for trial by a juvenile court.

xxxi. UTP Krishna Kumar Dhali @ Sanjit s/o Sumangal Dhali

He is detained in this prison since 28.11.2011, accused of a case u/s 419 IPC and 14 Foreigner Act. From his written petition it appears that he was orphaned in early child hood and raised in an Ashram. On coming of age, he returned to his parental home. His uncle implicated him falsely in the case branding him as a foreigner. Requests for proper investigation of the case.

xxxii. UTP Md. Sajib Sk., Md. Rabilal Molla, Md. Rajib Sk. and Md. Sujan Mine

They are Bangladeshi Nationals. They were admitted to this prison with effect from 14.06.2012 for their alleged complicity in case no. 10/12 u/s 14 Foreigner Act. Plead that they had strayed into India by mistake while sailing in a boat carrying sand along river Raymangal. Request for their release.

xxxiii. UTP Kuddus Laskar s/o Kowcher Laskar

He is detained in this prison since 26.10.2008 for his alleged complicity in Baruipur PS case no. 137/08 u/s 376 IPC. Back home there is no one to look after his wife and son. He has already spent four years in this prison but there has been no progress in the trial. So far, only 2 of the 7 prosecution witnesses have been examined. Requests for speedy trial/bail.

xxxiv. UTP Siraj Khan @ Chottu s/o Masum

He is detained in this prison since 17.07.2011 for his alleged complicity in Baruipur PS case no. 698/11 u/s 20 B NDPS Act (ST case no. 7(1)12). Admits that he had

been committing petty thefts but has been framed in the NDPS case. The trial against him is making no headway. Prays for speedy trial/ bail.

xxxv. UTP Md. Mir Hossain

He has been detained in this prison since 19.06.2008 for his alleged complicity in Bhangar PS case no 211(12)07 u/s 376 IPC. Claims to have been falsely implicated. The trial against him is making no headway. The prosecution witnesses are not appearing even though more than six dates have been fixed for their examination. Prays for speedy trial.

23.B - Interaction with Convict Prisoners:

i. Convict Syed Darain Ahsan s/o late Mir Akhtar Hossain

He has been sentenced to RI for life on 02.05.2003 in ST no. 2(8)2001, SC no. 31(8)2001 u/s 302/34 IPC. Back home his old mother is bedridden with various ailments. There is no one to take care of her. Requests for 30 days parole.

ii. Convict Dharam Chand Rajbhar s/o late Raja Ram Rajbhar

He is detained in this prison since 27.08.2006 for his complicity in ST no. 2(7)07 u/s 302/307/34 IPC. Prays for 7 days parole.

iii. Convict Sita Ram Sardar s/o late Roitashya Sardar

He has been sentenced to RI for life in Mondir Bazar PS case no. 49/97 ST no. 3(1)2002 u/s 302/34 IPC. Pleads that he has been falsely implicated in the case by his elder brother at the behest of the local CPI (M) leaders. The case was registered over the death of his sister in law. On the date of the incident, he was in Rajasthan. Requests for re-investigation of the case.

iv. Convict Biltu Das s/o Fatik Chand Das

He has been sentenced to RI for life in SC no. 40/91 u/s 302/364/34 IPC. He has been in custody for the last 20 years (since 03.03.92). During his long period of detention, he was granted leave only once, that too for 6 hrs only. He is the only child of his parents. Requests for parole to see his ailing parents.

v. Convict Sk. Abdulla s/o Sk. Ladla

He has been sentenced for life on 19.09.1995 in ST no. 3(12)94 u/s 148/302/149/426 IPC. Prays for premature release.

vi. Convict Md. Eklakh @ Eklakh s/o Md. Kashem

He has been sentenced to RI for life on 17.01.2003 in Park Street PS case no. 1515/94 u/s 364/302/201/34 IPC. Prior to his conviction he had spent 9 years in the prison as an under trial prisoner. In all he has already spent more than 17 years in prison. Prays for premature release.

vii. Convict Yusuf Warsi s/o late Mahumuddin Warsi

He has been sentenced to RI for life on 28.11.2005 in ST no. 1(8)2002 u/s 302/34 IPC. He hails from Kolkata where his widow mother lives. The prison authorities

had earlier shifted him to Midnapore Central Jail and reportedly contemplating to shift him again to a jail outside Kolkata. This will cause unusual hardship to him both in the matter of pursuing his appeal in higher courts and contacts with his widow mother. Requests for detention in one of the central jails in Kolkata.

viii. Convict Bhombol Chattarjee s/o Mukesh Chatterjee

He has been sentenced to RI for life in ST no. 2(7)01 u/s 302/34 IPC & 25/27 Arms Act. Requests for six hours parole to see his father who has lost his leg in a rail accident.

ix. Convict Ismail Dhali s/o Kashem Dhali

He is detained in this prison since 30.03.2006, convicted for his complicity in ST no. 5(10)2006 u/s 302/34 IPC. Prays for 30 days parole.

x. Convict Rajesh Mallick s/o late Kanai Lal Mallick

He is detained in this prison since 03.12.1999, sentenced to life imprisonment for his complicity in Chitpur PS case no. 873 u/s 393/307/34 IPC. In these 13 years, he has not been granted parole even once. Requests for parole to see his aging mother.

xi. Convict Probodh Purkait & 12 others

In a written petition, they submitted that;

a. The Commission had repeatedly visited this prison in the past and had heard the grievances of the inmates. But no remedial action has so far been taken.

b. Convicts after completion of 5 years of imprisonment are entitled to parole twice a year. The grant of such parole may be enforced.

c. Those who have completed 14 years of imprisonment should be released.

d. Prisoners should be granted 3 months remission in a year as was the practice prior to the enactment of the Correctional Services Act 1992.

e. Arrangements for transferring sick patients to outside hospital should improve. The quality of medicines supplied to the prisoners from the jail hospital is poor.

f. Trial of cases against UTPs must be speeded up.

g. The wages paid to laboring prisoners are very low and should be enhanced.

h. The state government, they claimed, had announced that the following categories of prisoners shall be prematurely released;

1. All political prisoners

2. Those above 70 years of age who have completed 5 years imprisonment

3. Those above 60 years who have completed 7 years of imprisonment.

4. Those who have graduated from inside the prison and completed 8 years of imprisonment etc.

But no action has been taken for implementing those decision.

i. The quality of food served is poor. 'Rotis' for the evening meals is prepared at 1 PM. By dinnertime, these rotis become like animal hides.

xii. Convict Suraj Kumar Bind s/o late Ram Prasad Bind

He has been sentenced to RI for life in ST no. 2(7)07 u/s 302/307/34 IPC and has been serving his sentence since 27.08.2006. Back home, he has left behind his old mother, his wife and two children. Requests for 30 days of parole to see his aging mother.

xiii. Convict Sambhu Nath Das s/o late Subal Das

He has been sentenced to RI for life in Falta PS case no. 195/98 u/s 302/201 IPC. He is in this prison since 13.09.2011. During the period of incarceration, he has been granted parole only for 8 days (on one occasion for 5 days and on the other for 3 days). With his application, he has enclosed a copy of the petition earlier sent to His Excellency, the Governor of West Bengal by his wife Smt. Mithurani Das in which she had pleaded for her husband's premature release on the ground that he is suffering from Hydronephrosis with Hydro Ureter, which, according to the medical reports enclosed with the petition, could be controlled with the restoration of conjugal relations. Prays for premature release.

xiv. Convict Swarup Prakash Dhara s/o late Gour Hari Dhara

He has been sentenced to RI for 10 years on 12.05.2011 in Joynagar PS case no. 92/06 u/s 366/376 IPC. Pleads that he has been falsely implicated in the case by the local leaders of the CPI (M), in collusion with the IO of the case, Inspector Bimal Pati and the SDPO Sri Kankan Prasad Barui. Then SP South 24 Parganas, Sri Siddhanath Gupta apparently knew that he was falsely implicated, but could not take remedial measures allegedly due to political pressure. He further pleaded that there were interpolations in the medical reports to link the same to the case registered against him. Requests for further probe in the case to unravel the conspiracy against him.

xv. Convict Iran Molla s/o late Daud Ali Molla

He is detained in this prison since 18.08.2005 convicted in Kultali PS case no. 4(1)85 u/s 302/148/149/34 IPC. Claims to have been falsely implicated in the case by the local leadership of the CPIM. He is already 70 years old. Prays for premature release.

xvi. Convict Chobinath Sonkar s/o Champa Lal Sonkar

He is detained in this prison since 04.12.1998 for his complicity in ST case no. 4(3)96 u/s 302/34 IPC. Prays for premature release.

xvii. Convict Swapan Kahar s/o Lal Bihari Kahar

He is detained in this prison w.e.f 18.03.2006, convicted in SC no. 75/2006 u/s 364A/302/201/34 IPC. Prays for 30 days parole, to which he has already become entitled, to meet his wife.

xviii. Convict Utthan Kumar Pal s/o late Ram Kanai Pal

He has been sentenced to RI for life on 08.01.1996 in ST no. 2/92 u/s 147/148/149/302 IPC. While in prison, he has cleared MA examination in political science. In fact, he stood first class first in the said examination. Requests for premature release.

xix. Convict Md. Siddique Jamadar & 19 others

They are Bangladeshi nationals. They had strayed into Indian territories in their fishing trawlers for which they were prosecuted and sentenced under the Foreigners Act. Pray for their transfer to any prison in Bangladesh.

xx. Convict Sanjay Kumar Bind s/o Thakur Prasad Bind

He is detained in this prison since 27.08.2006, convicted in ST no. 2(7)07 u/s 302/307/34 IPC. Prays for parole.

xxi. Convict Ratan Sikdar s/o late Jadunath Sikdar

He is detained in this prison since 04.01.1997 for his complicity in SC no. 139/98, ST no. 11/99 u/s 302/201 IPC. He had filed an appeal petition in the year 2001. His lawyer Sri Ashim Roy is doing nothing to expedite the hearing of the appeal. Nor is he being granted bail. Requests for help in retrieving the case file from the lawyer.

xxii. Convict Sambhu Murmu s/o late Ganesh Murmu

He has been sentenced to RI for life in ST no. 5/2000 u/s 302/148 IPC. He has already spent 13 years in prison. His SLP is pending before the Hon'ble Supreme Court since 2004. Prays for early disposal of the same.

xxiii. Convict Akhtar Ali @ Vakil s/o Shah Mohammad

He has been sentenced to RI for life in ST no. 1(9)99, SC no. 43/98 u/s 396 IPC. He has been detained in this prison for more than 14 years. Requests for 30 days parole.

xxiv. Convict Abdul Hai Gayen

On 30.11.2000, he was sentenced to life imprisonment in Lake P.S case no. 402(2)97 u/s 395/397 IPC (ST no. 5/9/98). He is in prison since 09.02.1998. First as an under trial and then as a convict. In a petition addressed to CM West Bengal, a copy of which was made over to me, he has pleaded that the CPI (M), in collusion with the police has framed him in a dacoity case out of political rivalry. Prays for premature release.

xxv. Convict Mantu Das

He has been sentenced to life imprisonment on 21.12.2010. He is in prison since 25.10.2005. He has filed an Appeal Petition before the Hon'ble Kolkata High Court. Prays for bail pending the disposal of the Appeal.

xxvi. Convict Rajjack Bhai Mansuri

He was sentenced to 10 years RI on 28.07.2009 for his complicity in an NDPS case. He had filed an Appeal against the conviction order in the High Court. The appeal petition was dismissed on 09.07.2010. His prayer for transfer to Ahmadabad Central Jail is pending with IG Correctional Services since April 2012.

xxvii. Convict Arshad Khan s/o Ahamed Hossain

He is a Pakistani National. As per his statement he was detained by Delhi Police on 24.10.2001, and was formally shown arrested on 29.10 2001. While in custody he was shown wanted in Basirhat PS case no. 60 dated 31.03.2002 u/s 4/5 ES Act, Sonarpur PS case no. 276(11) 2001 u/s 25/27/35 Arms Act, Howrah PS case no. 31 dated 02.03.2002 u/s 120B/121/121A/122/123 IPC & 3/4/5 ES Act and Tiljala PS case no. 223(7)2001, u/s 364A/307/120B/326/324/34 IPC & 25/27 Arms Act. He was taken in custody by CID West Bengal and sent to this prison where he is detained since 07.12.2001. If he was arrested by Delhi Police in 2001, and has been in custody since then, it is not clear how he could participate in two cases that were registered in 2002. In none of the cases registered in West Bengal, charge has so far been framed. Prays for speedy trial.

24. Summary and Recommendations:

The living conditions of the prisoners are by and large satisfactory. The disposal of investigation and trial and the hearing of appeals has been slow. The state government is extremely reluctant to grant leave, parole and premature release to eligible prisoners. At least 58 life convicts are languishing in prison after completing 14 years of actual imprisonment. 209 UTPs have completed 3 years in prison. In an average, more than 20 persons have been dying in custody every year, some within less than a fortnight of their admission. Medical facilities as available in the prison hospital are less than adequate. Prison industries are in a moribund state and do not offer adequate employment opportunity to the convict prisoners. Wages are low. There are gaping vacancies in the ranks of the guarding and paramedical staff. I have already suggested, in course of this report, certain steps to be taken for the amelioration of the condition of the inmates and the protection of their human rights. The summary of these recommendations are as follows;

- i.** The vacancies in the rank of officers and men, discussed at paragraph 4 of this report should be filled up without further delay.
- ii.** Prison land and residential quarters under unauthorized occupation, discussed in paragraph 5 of this report should be retrieved.
- iii.** The daily scale of cereals may be increased to 600 gm per prisoner. Prisoners should have the option of eating either rice or *chapattis* for the evening meal. A packet of biscuit should be issued to each prisoner to be taken before bedtime.
- iv.** The open drains of the prison must be covered early. The bathing platforms functioning inside the wards must be relocated. Garbage bins and water vats should be covered.

- v.** The prison administration must ensure that convicts use prison uniforms issued to them. This is required for their segregation from UTPs as also in the interest of their own welfare, cleanliness and orderly life.
- vi.** The infrastructure available in the hospital is inadequate and should improve. The sanctioned posts of medical officers should be filled up by regular incumbents. The practice of filling these posts by contractually engaged retired/private physicians may be discouraged. A separate ward with beds and other accessories must be provided for the accommodation and treatment of mentally ill prisoners. In view of the large population of geriatric prisoners in this prison, a separate geriatric ward with facilities required for reasonable comfort should also be made available.
- vii.** Of the 627 prisoners sentenced to rigorous imprisonment, only 20 have been provided employment in the prison industries and 85 in the Press. There is a need to improve and diversify jail industries to provide meaningful occupation to the rest. Wages paid to labouring prisoners are extremely low in comparison with the admissible minimum wage payable to workmen in the state. It is a pity that in some cases prisoners employed as peons, watchmen etc. are drawing more wages than those employed in the workshops. The minimum wage for unskilled workers, engaged in prison industry, should be raised at least to Rs. 50/- a day. Wages for semi skilled and skilled workers should be correspondingly hiked.
- viii.** A proper hall with sitting arrangements and facilities for toilets and drinking water must be made available for the relatives of the inmates waiting for interview with them.
- ix.** A list of illiterate inmates should immediately be drawn up and action taken for their enrolment in the prison school.
- x.** The state government has been generally reluctant to grant leave and parole to the prisoners though the West Bengal Correctional Services Act 1992 provides liberally for the same. The provisions of the Act and the Jail Manual should be implemented in letter and spirits. It is shocking to find that in the last eleven months only five prisoners have been granted 30 days parole.
- xi.** The superintendent must draw a list of all convicts whose appeal petitions are pending in higher courts and approach the Registrar of the High Court and competent officials in other courts for early listing of these appeals for hearing.
- xii.** A large section of the prisoners submitted that they do not have the required means to engage lawyers in their defense. They requested for lawyers at state cost. The welfare officer must examine their cases sympathetically and move the Legal Aid Authority for providing lawyers to the prisoners at state cost in deserving cases.
- xiii.** Many inmates complained that their lawyers, including those provided by the government, have taken huge sums of money from them with the promise to arrange bail and sureties for them, but have practically given up their brief after such payment. Specific allegations recorded in paragraph 23 of this report may be verified by IG Prisons with the assistance of the Legal Aid Authority, the Bar Council and wherever feasible the police.

xiv. A large number of life convicts continue to languish in this prison after serving 14 years of actual imprisonment. Some have served more than 20 years of imprisonment. Many of them are very old (above 70 years of age). The state government may review their cases for premature release sympathetically. In doing so they may follow the guidelines issued by the NHRC in their letter nos. 233/10/97-98 dated 08.11.1999 and 233/10/97-98 (FC) dated 26.09.2003. Immediate action should be taken for the review of the cases of the 20 convicts who have spent more than 20 years of actual imprisonment without remission, for premature release.

xv. Action for the repatriation of foreign prisoners to their native country should be initiated well ahead of the date of completion of their sentence. Action should also be taken for their transfer to prisons in their native country in accordance with the Repatriation of Prisoners Act 2003, wherever applicable.

xvi. There is no substitute to periodical inspections of the prisons by superior officers of the department. The state government may ensure that inspections by the IG and the DIGs are held at regular intervals in accordance with Annual Inspection Programmes to be drawn and circulated at the beginning of the calendar year.

xvii. A Board of visitors for this Home should be constituted without further delay.

xviii. Individual Grievances, as presented by the inmates during their interactions with me and recorded at paragraph 23 of this report should be verified by IG Prisons for follow of action. Most of these grievances relate to delay in trial, hearing of appeals, reluctance of the courts to grant bail, false implications etc. These matters fall within the domain and jurisdiction of the Courts. While the IG may not be in a position to provide required redress in most of these cases, he should not hesitate to bring these grievances to the notice of the concerned Courts from time to time.

04.10.2012


DAMODAR SARANGI 04/10/2012