

**REPORT OF SHRI CHAMAN LAL, SPECIAL APPOORTEUR,  
NHRC ON HIS VISIT TO THE CENTRAL WOMEN'S JAIL  
TIHAR, NEW DELHI ON 25 NOVEMBER, 2003**

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As directed by the National Human Rights Commission, I visited the Central Women's Jail Tihar on 25 November, 2003 to study the living conditions and review the human rights situation of the inmates. Shri Mukesh Prasad, DIG Prison was kind enough to remain present during my visit and help me in understanding the functioning and management of the prison. I met Shri Ajay Agrawal, D.G. Prisons, Govt. of NCT, Delhi at the working lunch arranged in the prison campus. Smt. Sunita Sabharwal, Superintendent, Women's Jail gave a detailed briefing on the functioning of the prison and the major issues concerning the prisoners. I went around campus and inspected a few barracks and cells. I also visited the kitchen, Jail Hospital and the sites of vocational activities.

**PRISON PROFILE**

The Central Women Jail, Tihar was established as an exclusive jail for women on 3.6.2000 with a capacity of 400 inmates. The building was designed to meet the security and correctional needs of inmates in accordance with the modern thinking on prison management, which lays emphasis on reform and rehabilitation of prisoners. The jail is divided into 8 wards comprising 28 barracks and 54 cells.

## PRISON POPULATION

The actual strength on the day of visit (25.11.03) was 599 comprising 122 convicts, 476 undertrial prisoners and one detenu. This shows an overcrowding of 50%. In addition, 54 children – 23 boys and 31 girls - 30 in the age group of 0 to 3 and 24 in 3 to 6 years - were also found staying with their prisoner mothers. The convicts numbering 122 included 55 lifers. The Superintendent informed that the jail population on the day of the visit (599) was the highest recorded since its establishment. Normal population is found to be fluctuating from 550 to 580. The jail can conveniently accommodate 550 inmates. The extent of overcrowding can, therefore, be taken as marginal. Overcrowding is thus not one of the problems of this jail. UTPs numbering 476 constitute 79.5 % of the total population which reflects the normal pattern of Tihar Prison Complex.

## SANITATION

All the barracks and cells have been provided one internal toilet each for use during night. Availability of 81 external toilets gives a toilet to prisoner ratio of 1:7 even when jail population touches its normal maximum of 580. Besides an attached bathroom in each barrack and cell, 44 bathrooms have been provided for common use of inmates. Bathroom to prisoner ratio thus comes to 1:4.7, which shows a better standard than what has been

recommended by the All India Prison Reform Committee. Inmates are required to clean their living areas themselves and they are found to be doing it happily.

While sanitary napkins are provided to all inmates as per requirement, only the convicts are authorized datum/dental powder and soap for bathing as well as washing purposes. The Superintendent informed that the poor and the needy among the UTPs are also supplied these items on request out of the Prison Welfare Fund. Their number is found to be negligibly small.

Water is supplied for half an hour every morning and evening. Taps have been provided in all cells and barracks and inmates are given personal pitchers to store water. During the general water shortage in summer months regular supply is ensured through water tankers. No one complained about supply of water.

### FOOD

Two scales of diet have been provided, one for convicts (RI) and the other for convicts (SI) & (UTPs). Milk is also supplied as special diet to children (750 grams each) pregnant women, lactating mothers and sick women (500 gram each), old women (300 grams) and 'jungar' workers (300 grams each). There is need for formulating a proper diet scale for children by associating a nutritional expert in the exercise.

It was heartening to note that some NGOs notably Mahila Pratti Raksha Mandal and Indian Vision Foundation are regularly supplying fruits to prison children.

Diesel is used as fuel for cooking purposes. Cooking is done in hygienic conditions and the arrangements for distribution of food are satisfactory. A number of convicts including some foreigner prisoners expressed satisfaction with the quantity and quality of food being supplied to them. No complaints were received on this count.

### **STAFF**

The Central Women's Jail, Tihar has been sanctioned a total staff of 144 personnel including one Superintendent, 2 Deputy Superintendent (I), one Deputy Supdt. (II) and one Welfare Officer. At present 38 posts in various ranks and categories are lying vacant. However, the Superintendent informed that all the vacant posts of Asstt. Supdt. (3) will be filled after the selected incumbents join shortly after completing their training. With the expected arrival of 3 matrons after completion of their initial training, vacancies of the matrons (20 in the sanctioned strength of 65) will come down to 17. The sole sanctioned post of tailor is lying vacant because of difficulties in getting it filled through the Delhi Subordinate Staff Selection Board. A lady is engaged as a daily wager against this post and her appointment is renewed after 89 days every time. The Home Department, Govt. of N.C.T. has been approached for obtaining sanction for filling up this post through the Employment Exchange. The vacant post of weaving master also needs to be filled up. Considering the importance of these posts in the reform and

rehabilitation of the prisoners, the Govt. is expected to accord the routine exemption without further delay.

The women's jail is being totally managed by women staff at both the functional and supervisory levels. No member of male staff is allowed entry beyond the-main 'deodhi'. However, only in the morning hours, male dispatch riders are allowed to collect the food packets from the kitchen for distribution among UTPs, male as well female in the court lock-ups.

### JAIL HOSPITAL

The Central Women's Jail has a well developed hospital manned by 7 lady medical officers including one Gynecologist and one child specialist and 10 numbers of paramedical personnel. Dr. Ranjana Kakkar the M.O. incharge explained its functioning. Daily average of OPD attendance is 80. The bed capacity is 10 with average occupancy of 70 %. The M.O incharge was firm in stating that medicines are being supplied to the hospital as per requirements. Weekly visits of specialists in ten disciplines, namely, skin, chest, E&T, eye, radiology, orthopaedics, dental, psychiatrist, physiotherapy and medicines are a regular feature of this hospital.

As per a statement received from the Jail Superintendent, 42 cases of TB have been detected among prisoners since 1.1.2001. One of them, namely, Waheedan w/o Hazoor Ahmed died on 16.10.2001 although she had completed the DOTS (Directly observed Treatment Short Course) on 7.9.2001. Another convict Shanti w/o Atma Ram, aged over 75 years, expired on 11.11.2003. It is worth noting that as many as 19 of them were released before

completing their treatment. However, only one of them was on DOTS. 5 inmates are still in jail after being cured of T.B. 16 are receiving treatment (non-DOTS). As per the guidelines issued by the Director General of Health Services, Government of India, all fresh detections of TB are required to be administered DOTS treatment under the Revised National T.B. Control Programme. The MO incharge was requested to see that these guidelines are followed at least in the case of convicts and UTPs who are not likely to be released on bail and can, therefore, complete the prescribed treatment.

3 inmates and 2 children are suffering from HIV/AIDs. They have been segregated and are receiving proper treatment.

2 inmates are suffering from mental disorder and are receiving proper treatment under the supervision of the visiting psychiatrist.

The Medical Officer incharge informed 11 prisoners and 2 children are chronic cases requiring constant medical attention. 3 women and 2 children are HIV positive. Kamla w/o Khem Chand, 60 years, is suffering from chronic obstructive pulmonary disease with recurrent follicular carcinoma-thyroid. She has completed only 3 years out of a total sentence of 7 years. Tej Kaur w/o Dalip Singh, undergoing 10 years sentence, is suffering from cholechythiasis with chronic obstructive pulmonary disease with general debility. Her petition for release on bail is pending in the High Court. Devi w/o Daulat Ram (75 years), a lifer, is suffering from chronic obstructive pulmonary disease with hypertension with repeated acute exacerbation with bilateral cataract.

It is heartening to note that as a result of the efforts of the Jail Superintendent and the Welfare Officer, bail has been granted to 6 seriously ill women prisoners using special provisions of the Jail Manual. However, the case of a foreign national, named Joy alias Jenet d/o Suleman Jenet, an NDPS undertrial, has been rejected by the High Court. She is HIV positive and has delivered twin boys in prison one of whom is sick and admitted in the jail hospital for the past 9 months. I saw this woman in Jail hospital and learnt that both her sons are seriously ill.

### DEATH IN JAIL

Cases of death of prisoners since 1.1.2001 were examined. There have been 3 deaths since then, the last one on 11.11.03. Cross-checking with the Custodial Death Cell of the NHRC revealed no discrepancies. NHRC was informed within 24 hours in each case. Two cases (death of UT Waheedan w/o Hazoor on 16.10.2001 and UT Chandni w/o Balswaroop on 22.12.01) have been closed after examination of the detailed reports. The third case (Death of UT Shanta w/o Atma Ram on 11.11.03) is under examination.

### UNDERTRIALS

A statement received from the Superintendent show that out of a total of 456 undertrial prisoners as of 31.10.2003, 39 had completed more than 3 years in the prison. The number of UTPs of this description on the date of visit (25 November 2003) was 37 out

of a total of 476. They were assembled at one place and I spoke individually to 35 of them. 2 had gone for court appearance. They had common complaints to make. Trials start late, sometimes two years after the challan is filed; they get long dates from the court; trial proceeds slowly for various reasons, such as transfer of trial judge sometimes without replacement for months; non-production of prosecution witnesses; repeated absence of the IO on the date of evidence; delay in examination of the accused and delay in pronouncement of sentence. Following specific complaints were heard:

- (1) Lata Devi wife of Deep Chand was admitted on 25.9.97 in case FIR No. 930/97 u/s 302 IPC, PS Mangolpuri. The case has been pending for final arguments for about a year.
- (2) Mamta wife of Anand was admitted on 6.5.99 in case FIR304/98 u/s 302/34 IPC, PS Vikaspuri. The case has been pending for pronouncement of sentence which was reserved more than 3 months back. Kanti wife of Rajinder, admitted on 19.3.2000 in case FIR No. 60/2000 u/s 364 IPC, PS Seemapuri, made the same complaint. Her case has been pending for pronouncement of sentence for six months because of the transfer of trial judge.
- (3) Hapuri alias Basanti w/o Shyam was admitted on 16.1.2000 in case FIR No. 161/99 u/s 302/34 IPC, PS Kalkaji. She stated that her case is at a standstill for the past 2 months after reaching the arguments stage. She has appeared in court twice during this period without



achieving any progress of the case. She is being defended by a Govt. lawyer whom she finds indifferent to her plight.

- (4) Pooja d/o Raghubir Singh has been in this jail since 5.8.98 as a UTP in case FIR No.406/98 u/s 302/120B/34 IPC, PS Janakpuri. Her case has been at a standstill for the last 8-9 months because of non-appearance of the IO (Inspector Ashok Tyagi).
- (5) Kamlesh d/o Karam Chand was admitted on 14.4.2000 in case FIR No. 147/98 u/s 147/148/149/307/324/34 IPC, PS Partap Nagar. She stated that her case has been pending for long because of non-appearance of the IO after all other witnesses have been examined. She narrated in tears that her request for bail, or temporary release for 6 hours under police custody to meet her ailing mother who has no other child but her request has been turned down repeatedly.
- (6) Famida w/o Ahsaan was admitted on 21./12.98 in case FIR No. 116/98 u/s 365/120B/302 IPC, PS Chandni Chowk. Her case has been pending at the stage of examination of accused for the last six months. She has appeared in court for 5 times during this period but her examination was not taken up. Similar complaint was made by Sultana w/o Chaman Lal (admitted on 20.3.2000 in case FIR 115/2000 u/s 363/366/376/341 IPC, PS Timarpur), Urmila w/o Inderpal (admitted on 20.3.2000 in case FIR No. 45/2000 u/s 363/366/376/34 IPC, PSTimarpur), Stella Sayed w/o Syed Fazluddin (admitted on 8.5.200 in case FIR No.

174/2000 u/s 375/396/376/412/120B IPC, PS Vasant Vihar) and Rajni w/o Ashok (admitted on 15.10.99 in NDPS case).

- (7) Salma w/o Sartaj and Vakila w/o Guddu were both admitted on 1.6.2000 in case FIR No. 230/2000 u/s 365/366/373/376/506/34 IPC, PS IP Estate. Their cases is at a standstill pending for recording the statements of accused persons.
- (8) Afroz w/o Ishtiyak was admitted on 9.10.98 in case FIR No. 145/96 u/s 20/21/61/85 NDPS Act, PS NCB. She has been acquitted in this case but was also involved since 27.10.2002 in another case FIR No. 82/2002 u/s 21/61/85 NDPS Act. The charge has not been framed in the second case.
- (9) Sunita alias Kaligudi w/o Ramesh Singh was admitted on 3.5.99 in case FIR No. 87/99 u/s 302/120B/34 IPC, PS Vikaspuri. She complained that the Govt. pleader provided to her is irregular in appearing for her and did not turn up on 2-3 last occasions.
- (10) Satinder Kaur w/o Darshan Singh was admitted on 26.6.99 in case FIR No. 349/98 u/s 302/498/201/34 IPC. She cannot comprehend the reasons of extremely slow progress of her case which took two years to start after the challan was filed.
- (11) Kamlesh w/o Hari Chand Sharma (admitted on 14.9.99), Bimla w/o Satish (admitted on 19.10.99), Nita Gurung d/o Chander Bahadur Gurung (admitted on

5.2.2000) Seema Gupta w/o Ajay Kumar (admitted on 12.5.2000), Babita w/o Virender Kumar (admitted on 27.5.2000), Sheela w/o Mishri Lal (admitted on 8.6.2000) and Gurcharan Kaur w/o Jagdish Singh (admitted on 16.10.2000) complained that their cases had a late start and recording of evidence was going on very slowly.

- (12) Tahira Syed w/o Syed Abdula was admitted on 14.12.99 in an NDPS case. She stated that only one witness has been examined in three and half years after the charge was framed. The judge was also transferred during this period.
- (13) Sonia w/o Sohanbir alias Pinku was admitted on 20.3.2000 in case FIR No. 54/2000 u/s 364A/302/201/120B/34 IPC PS Shadhra. She stated that her trial was delayed because the judge was transferred and the new judge took quite sometime to familiarize herself with the case. Only one witness was examined on 24.11.2003. For about 8 months the Govt. pleader provided to defend her did not turn up.
- (14) Shaila Azhar alias Shaila Zaidi w/o Noor Sarwar Qureishi was admitted on 19.5.2000 in case FIR No. 143/2000 u/s 3/9 OS Act 120B/468/471 PS GK.1. She stated that she is one of the accused persons in a case which has 52 witnesses. She stated that with the examination of 18 witnesses, prosecution evidence against her has been completed except for the statement of the I.O. She requests that she may be granted bail if the I.O. cannot

be examined until all the remaining 34 witnesses have been examined.

- (15) Girija Pandey alias Kalika Pandey w/o Mangla Pandey was admitted on 30.5.2000 in an NDPS case. The case is pending at the stage of cross-examination of the IO. The next date has been given after 3 months in February 2004.
- (16) Rekha w/o Ram Chander was admitted on 2.8.2000 in an NDPS case. 4 out of 8 witnesses have been examined. The case has made no progress in the last 8-9 months. She also complained about the indifference of the Govt. pleader provided to her.
- (17) Renu Chakravarti w/o Vishvnath was admitted on 10.8.2000 in an NDPS case of PS Kamla Market. For a long time she used to be taken for court appearance but kept waiting in the lock-up and not produced before the Magistrate. She is now being produced before the court but only 3 witnesses out of a total of 10 have been examined. She stated her Government lawyer, DP Chopra has met her only 3 times in the last three years.
- (18) Kotashya Verma w/o Nar Singh was admitted on 22.10.2000 in a case of kidnapping, rape and ITP Act. She was not able to explain her case because of language problem (she is a Telugu speaking woman). The Superintendent was requested to arrange services of a Telugu speaking person to comprehend her complaint and proceed further.

(19) Charanjit Kaur, an old woman was admitted on 19.12.200 in a case of murder in which she has been acquitted. She was charge-sheeted in another case u/s 420 IPC on 12.1.2001. She states that her case has remained at a standstill for about 11 months because of transfer of trial judge. Now all evidence is over but the IO/SHO is not turning up. She said that on every 'pashi' day she finds the IO present in the court premises but he does not come forward for evidence.

9 undertrial prisoners, granted bail by the trial court are still languishing in jail because of their inability to furnish surety. The following cases merit specific mention:

- (1) Lalita w/o Anil Prasad was admitted on 1.10.02 in case FIR No. 254/02 PS Bhawana in a case of kidnapping and rape. Although she has a son who comes to meet her occasionally, he is not taking interest in arranging a surety of Rs. 15000/-.
- (2) Namita w/o Decwari was admitted on 15.10.03 in a case FIR No. 1887/03 u/s 308/34 IPC. Her husband, the main accused in the case, seems to have abandoned her after arranging his release on bail. She is in a family way and has been granted bail with a surety of Rs.10,000/- which she has not been able to arrange.
- (3) Seema w/o Ajay was admitted on 12.5.2000 in a case of kidnapping and murder PS Gandhi Nagar). She was granted bail with a surety of Rs. 20,000/- She is being defended by a Govt. lawyer. She

complained that her brother is being threatened by the accused party not to arrange her release on bail.

- (4) Lata w/o Raju was admitted on 17.9.02 in an NDPS case of PS Cannought Place. Four months back she was granted bail with a surety of Rs.5000/- which she cannot arrange. Her husband is-also in jail. She is being defended by a Govt. lawyer.

The above illustrations clearly show a glaring and systemic violation of the basic human right of prisoners to a speedy trial which flows from the fundamental right to a fair trial guaranteed by Article 21 of the Constitution. I am sure the Commission will take note of the plight of these unfortunate women and request the appropriate authorities for expediting their cases. In the meantime, the Jail Superintendent was requested to bring all the above cases to the notice of the Delhi State Legal Services Authority through their advocates deputed to the women Jail.

It was not possible to hear individual complaints from UTPs of less than 3 years category. I could gather that most of them are affected by the slowness of the judicial process and a lack of concern on the part of trial courts to their plight. The system of free legal aid to the poor UTPs can be seen to be helping the mediocre and disinterested lawyers rather than their poor clients. When I spoke to a select gathering of UTPs - they expressed satisfaction with conditions in jail but were unanimous in attributing their miseries to the way their cases are being handled in courts. They made two small requests which were brought to the notice of the DG Prison. Since they are required to spend the whole day in the court lock-up on the day of their production, they requested for supply of tea to

them on payment. The second request concerned the meal timings on the day of production. They complained that the escorting police personnel force them to finish their lunch before 10.30 AM. Those who refuse to obey these orders have to miss their lunch. The DG Prison informed that supply of tea on payment through coupons is being arranged. He was requested to take up the other matter with the Commissioner of Police.

### JAIL ADALATS

Jail Adalats are being held regularly once a month to dispose of the cases of petty offenders who are willing to confess their guilt. So far 40 Jail Adalats have been organised in which 31 women prisoners were released. The last one was held on 15 November 2003.

### INTERVIEWS

Prisoners are allowed to meet their family members twice a week. No distinction is made between convicts and UTPs in this connection. On an average, 75 to 80 interviews are handled everyday. The arrangements are satisfactory as was confirmed by a number of prisoners. Inter-Jail Mulaqaats are also allowed once a week for prisoners who have their husbands or first degree blood relatives lodged in this jail.

### PAROLE

The Jail Manual provides for release of convicts on parole for a maximum duration of two months. Orders are issued by the Home Department. In cases of emergency, like death in family, custody

parole for six hours can be granted by the Jail Superintendent. A statement submitted by the Jail Supdt. showed that a total of 16 convicts had applied for parole since 1.1.01 which was rejected in only two cases (Maya Gupta w/o RP Gupta and Rani w/o Inderjit). Request for second parole was rejected in case of Prem w/o Mahabir. Decision on a request for parole should not normally take more than 4 weeks. However, two cases are shown as pending - Somwati w/o Ranbir Singh since 19.2.03 and Batto w/o Inderjeet Singh 2.10.01.

### JAIL INDUSTRY

Arrangements have been made for vocational activities such as weaving, stitching, bag-making, crochet work, beauty-culture and pickle-making etc. through active involvement of a couple of NGOs. A total of 14 convicts and 98 UTPs are currently engaged in these activities. It is proposed to introduce 'Dhoop' and 'Agarbati' making project which will engage about 40 prisoners. Besides, 74 convicts and 71 UTPs are engaged on miscellaneous jobs like 'lunger duty' (62 convicts and 32 UTPs), Hospital Attendant, Library Attendant, cleaning, general maintenance and horticulture etc. Surprisingly only 62 convicts and 32 UTPs working in the Kitchen are being paid wages from the Government funds. Others are paid either by the NGOs or out of the Prisoners' Welfare Fund. What is really not understandable is that prisoners working in hospital, library or engaged in cleaning and general maintenance work are not receiving any wages. This is not in order. Engagement of 15 UTPs on unpaid jobs is all the more objectionable. While convicts (R.I.) are required to render work in prison which is not to be treated as 'forced labour' under the provisions of Art. 23 of the



Constitution, they are entitled to receive equitable wages. UTPs can be engaged similarly and only if they are willing to work.

I visited the weaving, stitching and beauty culture sections and spoke to the workers. I found all of them well informed about the rates of daily wages (Rs. 10 for unskilled, Rs. 12 for semi-skilled and Rs. 16 for skilled category). Wages are paid regularly and deposited in the personal accounts of the workers who are keeping their Pass-books with them. The transparency of these transactions is really appreciable. Wages have been paid up to October 2003. However, the wages fixed in August 2000 in accordance with the Supreme Court judgment in the State of Gujarat vs. Hon'ble High Court of Gujarat (1998.7 SCC 392) are due for revision in view of the increase in the rates of minimum wages since then.

### VISITORS

The Delhi Jail Manual provides for monthly visit of the Sessions Judge who is expected to satisfy himself that all rules and regulations, orders and directions governing the functioning of the Jail are duly observed and also to hear complaints/representations made by any prisoner. The Jail Manual provides for appointment of non-official visitors and constitution of a Board of Visitors comprising not less than 2 ex-officio and one non-official visitors. The Board is required to visit the jail once in three months and inspect living conditions and hear prisoners' complaints. This institute has remained defunct for a couple of years until it was

revived recently by constituting a Board headed by the Principal Secretary (Home) on 24.3.03. The Board meant for the entire Tihar Prison Complex has 15 Ex-officio and 9 non-official members. It has two lady members – Mrs. Elizabeth and Mrs. Seema Malhotra, who have been regularly visiting the Women's Jail and rendering valuable service.

The Jail Manual provides quarterly visit of the Commissioner of Police and monthly visit of the Distt. and Sessions Judge. The Commissioner of Police has not visited the jail at all under this obligation. Addl. Sessions Judge Mrs. Vimla Makan has been functioning as the visiting judge. She has visited the women's jail only once in 2001, thrice in 2002 and once (20.3.2000) in the current year.

#### NGOs

A striking feature of the Women's Central Jail, Tihar is the active involvement of a number of NGOs in the welfare of prisoners. As many as 17 NGOs of good credibility and reputation are assisting the prison authorities in conducting educational, vocational and spiritual programmes for the prisoners. Two NGOs- Mahila Pratiraksha Mandal and Nav Jyoti are, between themselves, running a cretch for prisoners' children where children are fed specially cooked meals by trained Balwadi workers and spend the day in age-appropriate activities. Community Aided Sponsorship Programmes (CASP) and India Vision Foundation (IVP) are rendering commendable service in arranging admission of prisoners' older children to schools and monitoring their retention and performance. Besides spiritual programmes like Vipasana - meditation, Art of

living meditation - the counseling of prisoners is also being arranged through the Prison Fellowship of India and Missionaries of Charity.

### **HOUSING FACILITIES FOR THE STAFF**

The standard of Housing Facilities for the staff is unsatisfactory. Only 24 out of a total of 106 staff members are staying in the campus. Against the requirement of 75 quarters for key functionaries (6 Asstt. Superintendent, 11 Head Matrons, 45 Matrons, 3 Head Warders and 10 Warders), Government accommodation is available only for 24 personnel. A phased programme for providing Government accommodation within or close to the campus to the entire staff will have to be taken up.

### **GENERAL**

The women's Central Jail, Tihar presents a good picture of efficient administration and humane treatment. Neat and clean campus, relaxed general atmosphere and cheerful disposition of most inmates are clear signs of the interest and concern with which the Jail staff led by a sensitive and compassionate lady Supdt. are performing their difficult duties. A compulsory HRs orientation course of one week duration arranged for the jail staff through the ICRC has certainly helped in sensitizing them on HRs issues of prisoners. A good part of the credit for efficient management of this jail goes to the selfless efforts of a number of NGOs working for the welfare of prisoners. Shri Ajay Agrawa, DG Prisons is effectively

using his motivational skills and leadership qualities to impart a human face to an essentially tough job of running a prison.

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9/12/03  
(Chaman Lal)  
Special Rapporteur  
9.12.2003