

National Human Rights Commission
Member(JK)'s Sectt.

Visit/Inspection of Tihar Jail, Delhi conducted on 6th April 2018 by Member, NHRC Smt. Jyotika Kalra is enclosed herewith for kind consideration and record.

Manju

(Manju Rani)

PPS to Member (JK)

09.05.2018

PPS to Secretary General

2 gen. summaries in the report. (on last 2 pages) deserve new ft. up upto Govt. level. These are i -

① To find some room for prisoners overstay due to inability to pay fines.

② Overstay prisoners (beyond 50% of sentence) inspite of s. 36 Cr P.C. provisions -

We may have an Open Board or Prison Review & list these 2 issues among others for it -

JS (P & A)

Dy. Secy: Urgent. Discuss Best

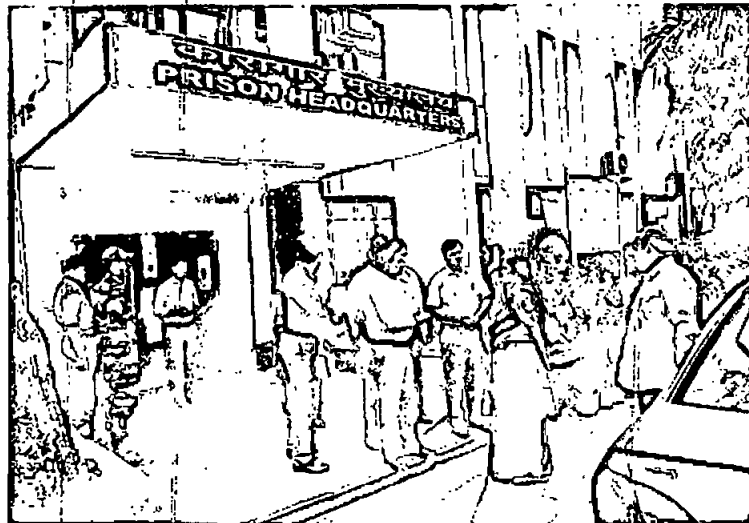
JS (P & A)
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**REPORT ON THE VISIT/ INSPECTION OF THE TIHAR JAIL, DELHI
CONDUCTED ON 6TH APRIL 2018 BY MEMBER, NATIONAL HUMAN RIGHTS COMMISSION
SMT. JYOTIKA KALRA**

To guarantee protection of human rights as mentioned in Section 12(c) and 12 (j) of the Protection of Human Rights Act, 1993, the Member Smt. Jyotika Kalra visited Tihar Jail, Delhi on 6.4.2018, she was assisted by Shri Pupul Dutta Prasad, SSP. During the visit, Member visited Central Jail No. 6, Female Prison, Central Jail No. 3 and Central Jail no. 5, Adolescent prison.

During interaction with Additional IG (Prisons): I was introduced to officers of different jails. I was also shown a short film on Tihar Jail produced and directed by the jail inmates, the film reflected the activities inside the jail quite elaborately in a very short span, on being



asked about the background voice in the film, I was informed that the film has the voice of Mahmood Farooqui, (director of film Pipali Live), the then inmate in jail, who has now been acquitted of the rape charges.

The jail wise visit is as follows:

1. Visit to Women Prison, Central Jail No.6

Children of the women prisoners are also lodged with them who are below 6 years of age. Prison has established a crèche and a play school within its premises. At the time of visit, approximately 26 children were there-17 children above 3 years of age were present in play school, Cambridge Foundation School, Rajouri Garden, is running this school.

At the time of visit, one jail inmate was teaching students with enthusiasm. Children were well versed with nursery poems and mannerism, some of them were very smart and answered questions like "what is your name?" etc. Around 9 children were playing in the crèche. Skill development

centers have been setup in jail, a fashion lab in collaboration with Pearl Academy of Fashion depicted beautifully created modern dresses. Prisoners were also making fashion jewelry.

Prisoners are also taking vocational training in computer & beauty culture course. I interacted with inmates who were recently sent to jail, I found that many of them were not participating in any jail activity. I interacted with different inmates and enquired about the cases in which they have been kept in custody. One of the inmate informed that she has been released on bail for more than three months but as surety could not be arranged, she is still in custody.

This inmate was informed by Legal Aid counsel that application for her release on personal bond has already been moved. E-Library facility was available for all women's prisoners, in the library, Member



met with an inmate from South Africa, who was sentenced for 10 years of imprisonment and was in jail for the last 9 years. She was very happy with different skills she learnt during her stay at Tihar jail, she was very confident that after leaving jail, all those skills that she has acquired would help her in living a better life and making a positive intervention in the society.

Prisoners were also making items like namkeen, pickle, bag making, weaving, crochet, candles etc, the items freshly prepared were tasted and were found to be extremely tasty. Mulaiza ward was visited, same was found to be very professionally maintained. It was informed that Inmates can call their family through inmate call system on daily basis. The lodging area was very clean & all basic amenities were provided. The entire prison premises visited by Member was absolutely neat and clean.

The jail has a separate medical investigation room where primary treatment is given to inmates and for specialized treatment, women prisoners are referred to outside referral hospital.

Canteen facility is also provided, where daily used items can be purchased by inmates through smart card issued to them.

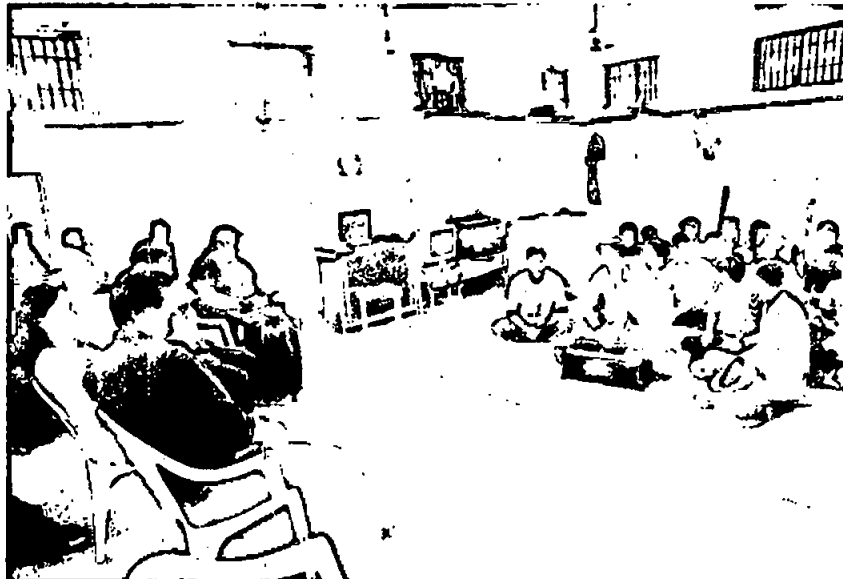
Recommendations :

Productive utilization of human resource - Jail Authorities should pay more attention towards active participation of inmates in the activities of Jail. With participation in jail activities, the inmates would be benefitted and their talent can be utilized for the betterment of other prisoners.

2. Visit to Central Jail No.3

This prison has main education centre from IGNOU which offers various degrees and vocational courses. It offers courses like Hero Motor Cycle repairing, Computer education, English speaking, Puppet making, drawing etc, which are instrumental in reformation of inmates. During my visit, music class was going on and prisoners sang 2 songs, the room was well equipped with musical instruments, sound systems and a group of singers. In Drama club, inmates enacted a small play, the theme of the play was how the politicians and powerful people manage everything for their gains, including riots, performance of all the artists was very good. This prison has a library fully equipped with various books and one painting hall containing beautiful paintings and found prisoners engaged in making paintings with all the requisite materials.

This jail also has a state of art Yoga Centre where prisoners practice yoga. It also conducts yoga training course for the inmates, who want to settle as yoga Trainers. I then visited the Central jail hospital.



Central Jail No-03 has main hospital with ultra modern facilities and has specialist doctors on its roll. Super Specialist doctors also visit Jail Hospitals from neighboring Govt. Hospitals. Prisoners from other prison are referred to this hospital for better and advanced treatment. The hospital has a regular OPD, casualty and a round the clock emergency ward.

It also has a drug de-addiction centre for detoxification of drug addicts. I interacted with 15-20 prisoners from other prisons who were discharged from the DAC centre after detoxification. This hospital also has a behavioral therapy ward.



This prison has in house Gaushala, the waste generated from the Gaushala is used to make organic manure, some of which used inside the jail by the gardeners and the remaining has potential of being sold outside the prison by the concerned department.

On interaction with some prisoners it was found that one of the prisoner Inmate Dinesh Kumar s/o Dallu of Ward No. 9 of Jail No. 3 was not satisfied with the treatment given for his eye, he was of the opinion that due to improper treatment, he is at the verge of losing his eye. Inmate Vinay Kumar of barrack No. 7 of Jail No. 3, lodged in Jail in connection with FIR No. 223/2017 u/s 302/201 PS Alipur, Delhi intimated that he has been acquitted of his charges but has yet not been released. A jail inmate, looking after library informed that he was earlier pursuing B. Pharma course but could not continue with the same in the jail as this course was not available in the jail.

Recommendations :

- Special attention be paid to meet the educational needs of the Jail inmates. This will have dual benefit, while they are in jail, their education can be utilized in running the jail and when they are out of jail, it would be easier for them to get integrated in the society.
- Special attention be paid to medical needs of the patients (if so required they may be given behavioral counseling)
- Special efforts should be made to ensure that the inmates who have been acquitted are being released from the jail.

3. Visit to Central Jail No. 5 (Adolescent Prison)

Central Jail No. 5 is a prison for young offenders of age group 18 – 21. It was very obvious that there should be special focus on reformation and rehabilitation programs for these inmates. This jail



is training them in vocational skills so as to make them economically and financially independent once they are released from the prison.

Central jail number – 5 has started a system of education based on Gurukul system for holistic growth of these young offenders. An area is set up as Prison school in the jail for imparting educational, recreational and vocational skills to the prisoners. I visited the school where prisoners were taking educational classes. Vocational courses in Hospitality sector were being undertaken by Ashok Institute of Hotel and Tourism Management, ITDC and taking courses in Front Office Associate, Food and Beverages and House Keeping. Literacy classes were being taken by educators of NGOs as well as in house teachers trained as master trainers. It was informed that the inmates are also being counseled on daily basis for life skill and drugs abuse. I was informed that some prisoners are identified and trained as peer leaders for constant interaction with other drug abusers so much so that some of the released prisoners have become part of de-addiction institutions and got employed there. Some prisoners were being trained in painting, sculpture, music and dance by renowned professional of that field.

This prison has a library facility, Legal Aid Clinic which was fully equipped with computer and other amenities to provide free legal aid for the prisoners. Video conferencing system was functional and prisoners are connected to the court through it. Inmates call system was also provided to inmates where they can make call to their family on daily basis. Also various sports activities have been organized for the inmates. Inmates are trained for kabbadi, Tug of war, volleyball, Table-Tennis & Badminton.

Seeing these young boys in jails was quite disheartening, they are our future, any society is judged by the type of crimes and criminals in that society.

Recommendations :

A study may be carried out as to why these children commit crimes, the recommendations of the study can be introduced in the education system, attempt can be made to ensure lesser crimes in the society.



4. Apart from the recommendations given Jail wise above, I have some **General Recommendations** to be made:

i. As per the report submitted by the jail authorities, following are inmates who have been convicted of fine and have not been able to pay the same as such are still in the jail:

<u>Jail No.</u>	<u>No. of prisoners</u>
02 and 14	05
03	02
04	01
10	02
12	01
13	07
15	01

Director General of Prison may procure the order of conviction in all the above cases, the NGOs may be approached for paying the fine amount of these inmates. Copy of the conviction orders of above mentioned inmates, response form NGOs and release order be also supplied to the Commission within four months .

ii. Number of prisoners who are in jail, despite their having been released on bail as they could not arrange the surety. The details is given below:

<u>Jail No.</u>	<u>No. of prisoners</u>
01	17
03	04
04	26

05	10
06	01
07	04
08	02
09	02
10	04
12	14

Director General of Prison may provide the order by which bail has been granted these inmates and whether application for their release on personal bond has been moved in the Courts, if not, with in how much time such application would be moved in Court. The status of such applications pending in Court be also given within four months.

iii. No. of prisoners, who have spent more than half of their sentence are still in prison despite provisions of section 436 A Cr.P.C.

<u>Jail No.</u>	<u>No. of prisoners</u>
01	10
03	04
04	54
06	59
07	04
08	08
09	08
10	03
12	14

The Director General of Prison may provide details of these inmates which would include, name, age, date of arrest, order on framing of charge, maximum period of sentence, period undergone, date of filing bail Applications and order on these Applications. What efforts being made to get these inmates released

I strongly feel that focused efforts should to be made to get these prison inmates out of jails. Such exercise would not only give the inmate a free life but would also lessen the burden of the jail authorities. There should be periodic efforts in this direction with the help of Delhi Legal Service Authorities.

Jyoti Kalra

JYOTIKA KALRA
Member