



दिल्ली विधान सभा सचिवालय  
**DELHI LEGISLATIVE ASSEMBLY**

लोक लेखा समिति  
**PUBLIC ACCOUNTS COMMITTEE**  
**(FOURTH ASSEMBLY)**

प्रथम प्रतिवेदन  
**FIRST REPORT**

कारागार विभाग की कार्यप्रणाली एवं दिल्ली में कारागारों के प्रबंधन  
पर प्रतिवेदन

**REPORT ON FUNCTIONING OF PRISON DEPARTMENT  
AND MANAGEMENT OF JAILS IN DELHI**

दिनांक 15 दिसंबर 2009 को प्रस्तुत  
Presented on 15 December 2009

दिल्ली विधान सभा सचिवालय, विधान सभा भवन, पुराना सचिवालय, दिल्ली - 110054  
Delhi Legislative Assembly Secretariat, Vidhan Sabha Bhawan, Delhi - 54

### Composition of the of the Committee

- |    |                             |          |
|----|-----------------------------|----------|
| 1. | Shri Parlad Singh Sawhney   | Chairman |
| 2. | Shri Kanwar Karan Singh     | Member   |
| 3. | Shri Naseeb Singh           | Member   |
| 4. | Shri A Dayanand Chandila A. | Member   |
| 5. | Shri Nand Kishore           | Member   |
| 6. | Shri Sumesh Shokeen         | Member   |
| 7. | Shri Sahab Singh Chauhan    | Member   |
| 8. | Shri Jai Bhagwan Aggarwal   | Member   |
| 9. | Shri Shyam Lal Garg         | Member   |

#### Special Invitees:

- |   |                   |  |
|---|-------------------|--|
| 1 | Shri Rajbir Singh | Accountant General (Audit) Delhi.                      |
| 2 | Shri V V Bhat     | Principal Secretary (Finance)<br>Government of Delhi.  |
| 3 | Shri Amar Nath    | Additional Secretary (Finance)<br>Government of Delhi. |

#### Assembly Secretariat:

- |   |                     |                               |
|---|---------------------|-------------------------------|
| 1 | Shri Siddharath Rao | Secretary (LA)                |
| 2 | Smt. Shimla         | Joint Secretary (Legislation) |
| 3 | Shri S K Sikdar     | Under Secretary               |

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## Introduction

I, Parlad Singh Sawhney, Chairman of the Public Accounts Committee of the Delhi Legislative Assembly, having been authorised by the Committee to present its Report, do hereby present the Report of the Committee relating to examination of audit paras pertaining to the Prison Department on *Management of Jails in Delhi* as appearing in the Comptroller and Auditor General's report for the year ended March 2005 Vol. II.

The Committee in its meetings held on the 11 September, 2009 and 13 November 2009 had considered these Paras. The Committee also visited the Tihar Jail complex on 20 November 2009 to see the conditions of the jails and functioning of the department. The Committee held extensive deliberations and the Departmental Representatives were also given adequate opportunity to submit written replies and to present their views in the meetings. The Committee appreciates the officers of the Prisons Department for promptly submitting all the information and documents that were called for. The report of the Committee was adopted in its meeting held on 15 November 2009.

The Committee appreciates the co-operation and guidance extended to it by Shri Rajbir Singh, Accountant General (Audit), Delhi, Shri V.V. Bhat, Principal Secretary (Finance) and Shri Amar Nath, Additional Secretary (Finance) Govt. of Delhi. The Committee also wishes to place on record its appreciation of the valuable assistance rendered by the Officers and Staff of the Assembly Secretariat during its meetings as also in the preparation of the Report.

**Delhi**

**Date : 15 November, 2009**



**(Parlad Singh Sawhney)**

**Chairman**

**Public Accounts Committee**



- Whether reformative and rehabilitative activities were undertaken consistent with the objectives of the Act and Rules and the impact of such activities.

**After preliminary deliberations in its meeting held on 11 September 2009, the Committee found that the overcrowding in Jails as reported by the Audit is the most alarming problem and needs immediate attention and priority. Thus, it was decided by the Committee to first take up Para No. 4.9.1 of the Report of the C&AG for examination which highlighted that the Jails are grossly overcrowded.**

#### **Para No. 4.9.1 Grossly Overcrowded Jails**

(Excerpts from the Report of C&AG for the year ended 2005, Vol. II)

A comparison of the actual prison population with the capacity of the jails based on norms indicated gross overcrowding ranging from 149% to 230% as depicted below :

<b>As on 31 December</b>	<b>Jail Capacity</b>	<b>Prisoners Population</b>
2000	3650	10625
2001	3650	11023
2002	3650	12041
2003	4000	12172
2004	5050	12580

Due to overpopulation, the Jail inmates were found living in unhealthy conditions as mentioned below :

- Cells and wards had stale air causing suffocating conditions
- Due to lack of adequate space, inmates were overflowing into the verandahs in the cell blocks where there were no fans or any other facilities to ameliorate the harsh climatic conditions.
- All the prisoners were not provided with sleeping berths as envisaged in the manual.
- The bathing space was inadequate. Against the norm of one bathing space for every 10 prisoners, it was found that on an average 16 to 53 prisoners were using one bathing space.
- Many of the toilet blocks were overflowing due to choked sewer lines rendering them completely unusable and resulting in long queues in front of the usable ones as well as unhygienic conditions.

It was evident from that the prisoners were not being afforded the basic facilities contemplated under the provisions of the jail manual and adequate attention has not been given to this aspect. The overcrowding was found creating problems of cleanliness and hygiene.

## **Reply of the Department**

The Department in its Action Taken Note / written reply admitted the overcrowding in jails and mentioned that several measures like construction of new jails, holding of Special Courts for speedy trial and quick disposal of cases, holding of Plea Bargaining Courts, releasing of prisoners booked under Section 107 read with Section 151 of Cr. P.C. and simplification of procedures and relaxation in the provisions relating to furnishing surety etc. have been taken up to decongest the jails.

The following para-wise replies were also given by the Department with regard to all the points concerning the problems of overpopulation as highlighted by the Audit.

1. All the defective lights, fans and ventilators have been replaced which has improved the environment in the barracks.
2. With the commissioning of the new jails like District Jail, Rohini and Central Jail – 8 & 9, the population in the existing jails has been reduced considerably.
3. Due to overcrowding of the jails, the sleeping berths cannot be provided to every prisoner at the moment.
4. There is now sufficient bathing space for inmates in all the jails.
5. It is admitted that sometimes, the sewers are blocked and overflowing, however, all the sewers have recently been cleaned thoroughly by the PWD using suction machines, thereby improving the sanitation conditions.



In the meeting held on 11 September 2009, the Principal Secretary (Home) stated that this para was raised by the C&AG in March 2005 and thereafter during the last 4 years, the situation has largely been changed and several improvements have been made in the jails to ensure better living conditions for the inmates. He also briefly mentioned about the various measures adopted to decongest the jails such as quick disposal of cases involving petty offences by holding Special Courts and holding of Plea Bargaining Courts. The Director General (Prisons) apprised the Committee about the numerous reforms, improvements and facilities augmentation as undertaken in the jails. **He informed that at present there are 11,500 prisoners against the total jail capacity of 6250.**

Regarding construction of new prisons, the department stated that a jail is being constructed at Mandoli with capacity to accommodate approximately 3,500 inmates. Around 35% of the work has been done and the construction is likely to be completed by the end of the year 2010. In addition to this, land for constructing a jail complex at Narela has also been identified and its acquisition is at the final stage. It was also informed by the DG (Prisons) that the land has been identified for construction of an Open Jail at Baprola.

### **Committee's Deliberations and Directions**

After considering the written and oral submissions as made by the department, it was noted by **the Committee with serious concern that the population of inmates is still almost double the jail capacity and this overcrowding is causing severe problems. The Committee unanimously viewed**

**that this crowding must be put to an end as soon as possible. Before concluding the meeting, the Department was directed to submit the following reports to the Committee before its next meeting.**

- (i) Report visualizing the estimated number of jail inmates by the end of 2010 and 2020 and the proposed measures to provide sufficient accommodation and basic amenities to them.
- (ii) Report on jail reforms undertaken during the last three years and current status indicating the progress made.

**The aforesaid two reports as furnished by the Department were examined by the committee and discussed at length in the meeting held on 13 November 2009.**

In its first report on estimated jail population, the Prison Department mentioned that there has been an average population of around 12,000 prisoners in Delhi Jails for the last 9 years. To support their contention that there is a mark decline in the population of jail inmates after the year 2006 following figures are given :

<b>Year</b>	<b>Prison population as on 31<sup>st</sup> December</b>
2006	13436
2007	11605
2008	11553
2009	11362 (as on 30 <sup>th</sup> October)



The main reasons for decline as mentioned in the Report are :

- (i) Hon'ble Delhi High Court in Crl. Ref. No. 1/2007 & Crl. M.A No. 7030/2007 in the matter Court on its own motion v/s State and Ors. has passed some landmark directions which greatly helped to decongest the jails.
- (ii) Holding of special courts on monthly basis for disposal of petty offenses which settled cases of 4719 offenders till October 2009.
- (iii) Holding of Plea Bargaining Courts in which 666 cases have been settled.

The Department visualized that the problem of overcrowding will be eased out to some extent by the end of 2010 and there would be no overcrowding in jails by the year 2020. This belief of the department is based upon the following factors and past trends concerning to prison population as pointed out in the Report.

1. Average population of prisoners stood at 11,500 for the last three years and as such it is expected that population of prison inmates in 2010 also shall be around 11,500.
2. There would be considerable reduction in the number of under-trials in jails due to more liberal approach of the courts towards grant of bail and the efforts of the government to reduce trial time drastically.
3. The population of jail inmates is estimated to be around 12500 only by the year 2020, by taking average increase

of around 105 prisoners per year keeping in view the various measures to reduce the number of inmates as mentioned in para 2 above.

4. A new jail is being constructed at Mandoli with accommodation for approximately 3500 inmates. The construction is likely to be completed by the end of 2010. Proposals for construction of jails at Narela and Baprola with accommodating capacity for approximately 2000 and 750 prisoners respectively are also at the final stage. Construction of all the proposed new prisons would be completed by the year 2020.

The second report on jail reforms undertaken during the last three years highlighted the infrastructural improvements, improved medical facilities, augmentation of prison security, better Prison Management System, prisoners' welfare management, reformation and rehabilitative activities, legal aid activities and Skill Development Initiative Scheme, etc.

**The Principal Secretary (Home) and the Director General (Prisons) made a request to the Committee to visit Tihar Jail Complex to inspect the improved conditions and facilities as brought to the notice of the Committee through the desired report.**

**Since the Committee intended to study the conditions of the jails in a comprehensive manner, an unanimous decision was taken by the Committee to visit the Central Jail (Tihar) on 20 November 2009.**

## **OBSERVATION AND RECOMMENDATIONS OF THE COMMITTEE**

The Committee observes that the problem of Prison overcrowding adds to the human suffering and it is responsible for violation of prisoner's rights. It also puts an enormous burden on public money unnecessarily. Prison overcrowding is one of the most challenging problems as it endangers the basic rights of prisoners, including the right to an adequate standard of living. Overcrowding undermines the ability of prison systems to meet the basic needs of prisoners such as healthcare, food and accommodation. It also compels to make compromise with the provision of rehabilitation programmes, educational training and recreational activities.

The Committee notes with surprise and dissatisfaction that despite the acute overcrowding, there were undue delays in creating additional space and construction of new jails as evident from the following facts.

- The department paid Rs. 7.79 crore to the DDA in March 2003 for allotment of land for construction of jail complex at Narela, but the land has not so far been allotted.
- Land for Mandoli Jail was purchased by the department in the year 1981. After seventeen years, in 1998 an estimate of Rs.48.72 crore was made which was revised to 100.85 crore in



February 2002. Subsequently, it was revised to Rs.126.98 crore in August 2004 and to Rs.168.51 crore in December 2004. The construction of jail is yet to be completed whereas an expenditure of Rs.1.51 crore was incurred by the PWD on earth filling and consultancy for drawings and designs between March 1998 to March 2000.

- Department approached the DDA in the year 1997 for allotment of land at Baprola for construction of an open jail but the land has not yet been allotted.

The problem of overcrowding continued unabated mainly because of delays in creating additional space by way of constructing new jails. Unwarranted delays also caused huge cost escalation and the payments made by the departments for allotment of land remained unfruitful for unreasonably long periods resulting in substantial loss to the exchequer.

The Committee, however, expresses quiet satisfaction over the several steps which have been taken by the department in the past, subsequent to the audit observations, to improve the living conditions of prison inmates and to decongest the jails by disposal of cases through Special / Plea Bargaining Courts. It also appreciates the sincere efforts of the department in following the landmark directions of the Hon'ble Delhi High Court, which were issued with a view to help decongestion of jails in Delhi remarkably.

**The Committee strongly recommends the following measures to mitigate the problem of overcrowding and to improve the overall conditions in the jails :**

- 1. The department must prepare a short-term vision to tackle the problem of overcrowding to a large extent by the end of the year 2010. A Committee should be constituted to monitor the progress of work and to take all the necessary steps to ensure timely completion of jail at Mandoli which is reported to be under construction and expected to be completed by the end of 2010. This Committee must deeply study all the aspects in advance and take necessary precautions to avoid any incidence of delay on account of subsequent changes in concept, design and projected requirements. Timely completion of this new jail should be given utmost priority because with its accommodating capacity of approximately 3500 inmates, it would reduce the overcrowding in the existing jails substantially.**

2. (i) Besides this short-term vision, the department must formulate a long-term plan to ensure that the problem of overcrowding ends completely by the year 2020. The Committee is not much impressed by the projection of jail population of around 12500 only for the year 2020 as made by the department in their report. It seems that a conservative approach was followed while making the estimates. A more realistic approach is required to be taken by the department in this regard by taking into consideration all the relevant factors like rapidly increasing population, crime rate, our criminal justice policy and occurrence of delays in prison construction programmes, etc. After reviewing their projection relating to population of jail inmates, the department should frame proposals, if considered necessary, for construction of additional new jails other than those which are already proposed.

(ii) Accordingly, the department must accord top priority to the construction of new prisons and other infrastructural improvements. For this purpose, an inter-departmental



mechanism should be set up along with the PWD, DDA and other agencies concerned for speedy processing of proposals relating to acquisition of land and clearance from Urban Arts Commission, etc. for construction of new prisons. To prevent any delay, procedures for taking over and making the newly constructed prisons operational should also be streamlined.

(iii) Further, the department should also positively think about developing a standard model for prisons based on the guidelines contained in the Model Prison Manual which can be replicated immediately after acquiring the land. This will definitely expedite the process of approval for construction of prison and also avert the need for frequent changes in designs and drawings.

(iv) The department must constitute a monitoring and coordinating committee with a view to guarantee timely construction of proposed jails at Narela and Baprola. This committee should be made responsible for taking appropriate steps to expedite the acquisition of land, finalization of estimates,

design and drawings, approval from the Urban Art Commission and other concerned agencies and finally for monitoring the progress of construction works to ensure timely completion of these two jails within the scheduled time frame.

3. The solutions to the problem of overcrowding have to be found through examination of our penal laws, criminal procedures, bail laws and alternative sentencing, etc. The overuse of pre-trial detention, lengthy and strict sentencing practices contributes to prison overcrowding. As such the pre-trial detention shall be used as a means of last resort in criminal proceedings. Alternatives to pre-trial detention shall be employed at the earliest possible stage and the detention shall last no longer than necessary. Apart from this, certain offences should be decriminalized and alternatives to imprisonment should be designed to deal with such cases. Some more offences should be added to the list of compoundable offences prescribed in law and unnecessary and indiscriminate arrests should be avoided by police personnel.

4. A mechanism should be set up for the periodic review of cases of under-trial prisoners. Legal literacy drives should be launched to spread awareness amongst prisoners about their rights and obligations. It is necessary to keep identifying those who need and deserve legal aid. Legal aid workers must identify such prisoners and educate them about their rights to legal aid. They must help in getting the under-trials released on bail and on personal bonds.
5. It is brought to the notice of the Committee that shortage of custodial, medical and para-medical staff is adversely affecting the functioning of prisons. The Committee recommends that the government should give top priority to fill up the vacancies of Prison department and periodically review the progress of the recruitment process to prevent any undue delay.
6. A mechanism should be evolved to monitor and ensure the implementation of various recommendations made by different expert committees, courts and workshops time to time.



## **Visit of the Committee to the Tihar Jail**

As per the decision taken in the meeting on 13 November 2009, the Committee visited Tihar Jail on 20 November 2009 to the conditions over there and to have a closer look on the reforms as reported to have been implemented by the Department. **This was a first ever visit to a department undertaken by a Public Account Committee of Delhi Legislature which made this visit special and unique.**

The visit began with a Power Point Presentation by the Director General (Prisons), Shri B K Gupta at his chamber which pointed out that the Delhi Prisons successfully accomplished the mandate assigned to it by ensuring safe and secure custody of prisoners. It highlighted that there was no prison escape during the last three years and no prison riots took place in any jail in Delhi. In addition to this, no strictures or adverse remarks were made by any court of Delhi on the functioning of prison administration. Through this presentation, the Committee was informed about the various infrastructural improvements, improved medical facilities including management of drug users and HIV preventive measures, Prison Management System, Visitors Management System, Prisoner Welfare Management including legal aid activities, reformation and rehabilitation and Skill Development Initiative Scheme.

**The DG (Prisons) also apprised the Committee about the acute shortage of custodial staff. He informed that against the recommended custodial staff to inmates ratio of 1 : 6, the available custodial staff to inmates ratio is**

**1 : 12. Out of total 1357 sanctioned posts, 433 posts are vacant at present.** The Prison Department is dependent on Delhi Subordinate Services Selection Board (DSSSB) for recruitment. The Committee was surprised to know that vacancies were notified on 7 February 2008 and the DSSSB conducted the examination on 14 November 2009, i.e., after one year and nine months. DG (Prisons) further clarified that the present recruitment process will take another three months for completion and there after the staff would be given nine months Basic Induction Training. Thus, their services would be available only after one year from now.

**The Committee unanimously took a decision to take up this issue with the Services Department and the DSSSB to ascertain the exact reasons for such inordinate delay to find out the ways and means to expedite the selection process.**

After the Power Point Presentation, the Committee took a round of the Jail Complex accompanied by the DG (Prisons) and other senior officers of the Department. The Committee visited the following jails and facilitation centres :

1. CCTV control room.
2. Central Visitors Registration Centre.
3. New Visitation Facility at Central Jail No. 1.
4. Prison Management System, Bio-metric Identification System, Test Identification Parade Room and First Time Offenders Ward (Model Ward) at Central Jail No.4.
5. Jail Factory at Central Jail No. 2

## **Observation of the Committee**

The Committee feels quiet happy and satisfied with the infrastructure and facilities in the prison. Though the number of inmates are almost double the jail the capacity, the jail authorities have done a tremendous job at the proper up-keeping of the prison. Rooms are well-ventilated with adequate number of ceiling and exhaust fans and the toilets are also quiet clean. It is found that high level of sanitation and hygiene is being maintained by ensuring daily removal of garbage. Functioning of the CCTV Control Room and Visitors Registration Centre with its effective and smooth system also impressed the Committee. New Visitation Chambers with transparent glass facade and mike system which provide better audibility, visibility and privacy between inmates and their visitors is also praiseworthy.

Prison Management System, which stores all the personal and case details of all inmates along with their photographs and biometric identification has brought a revolutionary change by making it possible to have faster and easier access to the accurate information. Establishment of Model Test Identification Rooms for witness protection and free and fair conduct of Test Identification Parade is also a remarkable step taken by the Jail administration. First Offenders ward was found clean and well maintained. **Availability of safe drinking water through RO System, Library, Cable TV, Satellite Radio, Indoor games and canteen facilities for the inmates convinced the Committee to believe that the jail authorities are sincerely following Mahatma Gandhiji's thought : "Hate the Crime and Not the Criminal."**



Visit to the jail factory surprised and pleased the Committee. It was an enriching and unique experience seeing the convicts working with great patience and concentration. It was informed that jail factory with annual turnover of Rs.6 Crore imparts training in trades like weaving, tailoring, carpentry, oil extraction and hand-made paper making, etc. **It was a matter of immense satisfaction for the Committee to see the inmates working in the Tihar Baking School, which hygienically produces good quality bread, confectionary items and *namkeens* with an annual turnover of Rs.1.5 Crore.**

**The Committee also genuinely intends to place on records its appreciation for the following innovative measures and programmes undertaken by the Prison Department:**

1. **Reformation and rehabilitation** of inmates by extending educational facilities and imparting training in various trades.
2. **Skill Development Initiative Scheme** to provide employable skills to inmates in various trades under the guidelines laid down by the Directorate General (Employment and Training), Ministry of Labour, Govt. of India. Under this scheme, 80 modular employable skill courses in 14 sectors have been identified for vocational training and there is a close network with industry for placement.
3. **Initiatives for conservation of energy and making the Tihar as world's first 'Green Detention Centre'.**  
Under this project, there is a plan to use the garbage

churned out by the jail's 11,500 inmates each day to produce biogas and electricity and also to tap solar energy across the 400 acre premises. The jail would be able to produce all the energy it requires through 'green means' in about 3 years, for which electricity producing biomass Gasifier Plants would be setup to light the Tihar Jail Complex and run its manufacturing units, kitchens and bakeries.

**The Committee commended Shri B.K. Gupta, DG (Prisons) and his team of officers and staff for making sincere, dedicated and untiring efforts to transform the jails into reformatories.**

### **Conclusion**

**The Committee on meticulously examining the report of the C&AG, the Action Taken Notes, written and oral submissions of the Department and after visiting the Tihar Jail Complex has arrived at the conclusion that several steps have been taken to improve the conditions of prisons, but much more is required to be done.**

**The Committee has accordingly made certain recommendations in the preceding pages of this report. The Committee believes that if its recommendations are implemented with sincerity, the functioning of the**

department will definitely be going to streamline and this will also help greatly in tackling the problem of prison overcrowding and improving the overall conditions in the jails.

The Committee expects it from the Government that it only considers the recommendations of this Committee on a positive note, but also implements the recommendations contained in this report in the larger public interest.

The Prison Department should submit its Action Taken Report on the recommendations of the Committee within three months of the presentation of the Committee's Report in the Assembly.

Delhi

Date :15 November, 2009

  
(Parlad Singh Sawhney)

Chairman  
Public Accounts Committee