

## People's Union for Democratic Rights

To  
The Home Minister  
Government of NCT of Delhi  
Room No.703, 7th Level,  
Delhi Secretariat, ITO,  
New Delhi - 110002

9 June 2015

**Subject:** Information regarding under-trials in Tihar jail in the context of Supreme Court Order dated 05.09.2014 and other information

Dear Mr. Satyendra Jain

This is with reference to our meeting dated 8 June 2015 at the Delhi Secretariat regarding the issue of under-trials and overcrowding in Tihar jail. Kindly refer to the memorandum submitted to you on the same date requesting for a survey of jail conditions (Annexure 1).

To briefly reiterate, at present Tihar jail houses inmates way beyond its capacity. The Delhi Government website itself admits that although Tihar Jail's capacity is for 6250 inmates, it currently has 13850 inmates (as on 31 December 2014). The under-trial population among these is 10,171 or 73.4 per cent of the inmates. In this context, it is extremely important to note the Supreme Court order dated 05.09.2014 in Bhim Singh Versus Union of India & Ors [Writ Petition (Cr1.) No. 310 of 2005]. The Supreme Court has ordered that steps be taken in accordance with section 436A of CrPC for the release of those under-trial prisoners who have already served half of the term of imprisonment prescribed for the offence they are charged with (except when one of the punishments prescribed for the offence is death).

Due to lack of availability of information about the conditions inside the jail, as citizens we are unable to understand how Asia's largest prison system really functions and achieves its objectives of reform and rehabilitation. In the light of this, **we request you to kindly provide us with the latest information regarding Tihar jail inmates as desired through Annexure 2 to this letter. We would also request you to provide us with name-wise list of all under-trials, FIR number, the specific offences they are charged with, prescribed punishment under law for highest offence they are charged with, and their length of stay in jail till date.** We believe that the desired information will not only bring to light the situation inside Tihar, but will in turn help the Tihar Prisons Department take necessary action for the benefit of the prisoners and staff members. Thank you.

Yours sincerely

Sharmila Purkayastha, Megha Bahl (Secretaries, PUDR)

Email: pudr@pudr.org, pudrdelhi@gmail.com

Phone: 9971179595, 9013292099

Address: A6/1, Aditi Apartments, D Block, Janakpuri, New Delhi-110058

### **Annexures:**

1. Copy of letter dated 8 June 2015 submitted to Delhi Home Minister
2. Information desired regarding Tihar jail inmates

**Annexure 1: Copy of letter dated 08.06.2015 submitted to Home Minister  
People's Union for Democratic Rights**

To  
The Home Minister  
Government of NCT of Delhi  
Room No.703, 7th Level,  
Delhi Secretariat, ITO,  
New Delhi - 110002

8 June 2015

**Subject: Drawing attention to overcrowding inside Tihar Jail and request for a survey of jail conditions**

Dear Mr. Satyendra Jain

People's Union for Democratic Rights (PUDR) is a civil rights group working in Delhi since 1977. We have in the past, among other issues, investigated incidents of custodial torture and deaths, and also written about jail conditions. This memorandum is to bring to your notice certain pressing concerns regarding the conditions in Tihar Jail.

It is not unknown that Asia's largest prison complex is overcrowded beyond its capacity. The Delhi Government website itself admits that although Tihar Jail's capacity is for 6250 inmates, it currently has 13552 inmates. And this number itself can be dated since it based on data from 2013. The under-trial population among these is 10,154 or nearly 77 per cent of the inmates. It should be noted that in 2014, the Supreme Court has (with some exceptions) ordered the release of those under-trial prisoners who have already served half of the term of imprisonment prescribed for the offence they are charged with.

Overcrowding severely impairs the role of jails as an institution which reforms and rehabilitates prisoners. This is also evident in the increasing incidents being reported from Tihar. Since January this year, incidents of attacks and deaths in Tihar Jail are being reported continuously. According to some reports there have already been at least 17 deaths this year in Tihar (7 of which have been due to murder, 8 due to suspected drug abuse). News of under-trials being harassed are also being reported. These also point towards the deterioration in general living conditions inside the jail. In 2011, PUDR brought out a report titled "Behind the Prison Gates: A report on living conditions in Tihar Jail" which highlighted the violation of rights suffered by the prisoners and the non-transparent manner in which the prison functions.

Given these circumstances, we would like to urge you to kindly allow us to carry out a survey of conditions inside Tihar. We believe that an independent study done by an organization such as ours would only enhance rather than harm Tihar Prison department from carrying out its responsibility.

Yours faithfully

Megha Bahl, Sharmila Purkayastha  
Secretaries, PUDR  
Email: pudr@pudr.org, pudrdelhi@gmail.com  
Phone: 9013292099, 9971179595  
Address: A6/1 Aditi Apartments, D Block, Janakpuri, New Delhi-110058

## Annexure 2: Information desired regarding Tihar jail

TABLE 1: TOTAL NUMBER OF PRISONERS WITH BREAK-UP

Particulars	Male	Female	Third Gender
Total Number of Under-trials			
Total Number of Convicts			
Total Number of Detenues			
Any other (please specify)			
Total Number of Prisoners			

TABLE 2: OFFENCE-WISE BREAK-UP OF UNDER-TRIALS

S.no	Offence with which Under-trials are charged (Detailed sectionwise under IPC, Special and local laws and civil and other cases)	Total Number of Under-trials charged with respective offence (Absolute numbers needed)
	For Example, Kidnapping (s.363 IPC)	
	Total Number of Under-Trials	

[If an under-trial is charged with multiple offences, the highest offence under which s/he is charged be included in list, to avoid overlaps. (highest offence being that which has the highest term of imprisonment)]

TABLE 3: CLASSIFICATION OF UNDERTRIALS AS PER THE LENGTH OF STAY IN JAIL AS ON 31 DECEMBER 2014 (RETRIEVED FROM DELHI GOVERNMENT WEBSITE)

Period	Male	Female	Total	No of under-trials among these who have stayed in jail for more than half of sentence prescribed for the highest offence they are charged with
Upto 01 month	2623	44	2667	
01 - 03 months	1508	63	1571	
03 - 06 months	1508	68	1576	
06 - 12 months	1497	71	1568	
12 - 24 months	1331	97	1428	
24 - 36 months	590	49	639	
36 - 48 months	380	23	403	
48 - 60 months	184	09	193	
Above 60 months	117	09	126	
Total	9738	433	10171	

TABLE 4: NUMBER OF CHILDREN IN JAIL AS PER AGE GROUP

No of children in jail as per age group	With Under-trial mothers			With Convict mothers		
	Male	Female	Third Gender	Male	Female	Third Gender
0-1 years						
1-3 years						
3-6 years						
Total						

5. What is the number of pregnant Under-trials and Convicts inside Jail?
6. What are the facilities provided to children inside jail?
7. What is the total number of senior citizens inside jail?
8. What are the facilities provided to senior citizens inside jail?