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# **TIHAR JAIL- A DEEP INSIGHT OVER ITS ADMINISTRATION**

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## **ABSTRACT:**

The present article helps in understanding the administration in the Tihar Prison. Tihar Prison located in Delhi is one of the largest prison complex in South Asia. It is a prison with maximum security in India and most of its inmates are gangsters, politicians and also VIPS. However it is also known for its overcrowded cells, collusion between inmates and its indifferent administration. Most of the time, the influential prisoners intervene and corrupts the administration making it to appear as the most dangerous prison in India. It may look like a trivial problem not affecting the society at all but one should understand that those inmates, most of them being committed heinous crimes are isolated and labelled by law as criminals who are dangerous to the society when left free. If the administration is not proper, there will be lot of chaos and confusion within the prison providing loopholes for the convicts to escape, posing a serious threat to the security and safety of the entire nation. Hence this article gives deep insight about the administrative authorities, how day to day administrative works are carried on, administrative adjudication in the prison, the flaws in the administration, the various instances where prisoner's rights are being violated by administration and finally to suggest ways in which the administration can be improved.

**KEYWORDS:** Tihar, Inspector General, Superintendent, Prison Departments, convict-officers, administrative discretion

## **INTRODUCTION:**

Delhi Prisons comprises of three complexes i.e., the Tihar complex, Rohini complex and the Mandoli complex. In India, there are three types of prisons i.e., maximum security prisons, medium security or the model prisons and the minimum security prisons or the open jails. The Tihar complex is a maximum security prison complex established in 1958, spread over more than 400 acres, proving it to be one of the largest Prison complexes in South Asia with a sanctioned

capacity of 10,026. It was earlier run by the State of Punjab but in 1966 the control was transferred to Department of Delhi Prisons, Government of Delhi<sup>1</sup>. Not only it is famous for its notorious criminals but also for the correctional services it render, for which even a jail factory was established in Jail no.2 to make inmates productive to the society. It even has separate jails for the female inmates (Jail No.6) and adolescents ( Jail no.7). The reforms Tihar has brought forth for its inmates are numerous including placement opportunities, study centres like IGNOU and NIOS , Computer training centers and meditative programs like “Vipassana” for their peace of mind. No matter how much ever good a policy is, a bad administration can destroy it within seconds, hence it is very necessary to know about the administrative authorities and the present scenario of administration in Tihar Jail to see whether all the reforms are effectively being carried .

### **ADMINISTRATIVE AUTHORITIES**

In the words of Steven Berkoff, “A great opera isn’t run by a director, but by a great administrator”<sup>2</sup>, similar is a prison which consist of notorious criminals, it is very necessary for it to be controlled and regulated by honest and sharp witted officials. Director General of Prisons, Delhi, head of the Prison’s Department, administers the Delhi Prison including the Tihar. The Prison Department functions under the administrative control of Home Department of Delhi. According to section 64 of the Delhi Prison’s Act, 2000 the Inspector general/Director General will have all necessary financial, administrative and the disciplinary powers. He should inspect the prison and send inspection note to the government. Additional Inspector general perform all the duties of Inspector General in his absence. The Deputy Inspector generally performs duties delegated to him by the Inspector General, they supervise the superintendents and inspect the prisons as per the directions of the Inspector General, they supervise the general administration, personnel training and all establishment matters.<sup>3</sup>

Each Jail has its own superintendent who is in charge of executive management of prison like security, finance, discipline, labour, expenditure and control over other matters. He has to interact with prisoners to know their grievances ensuring that human rights of the prisoners are not violated. Superintendent provides leadership in every aspect of prison. He is assisted by Deputy superintendents, Assistant superintendents, head warders and warders .

Custodial duties of prisoners is done by Jail staffs and external duties like security, patrolling and

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<sup>1</sup>“History” (Tihar Prisons, Central Jail) <<https://tiharprisons.delhi.gov.in/tiharprisons/history>> accessed on 09 August 2023

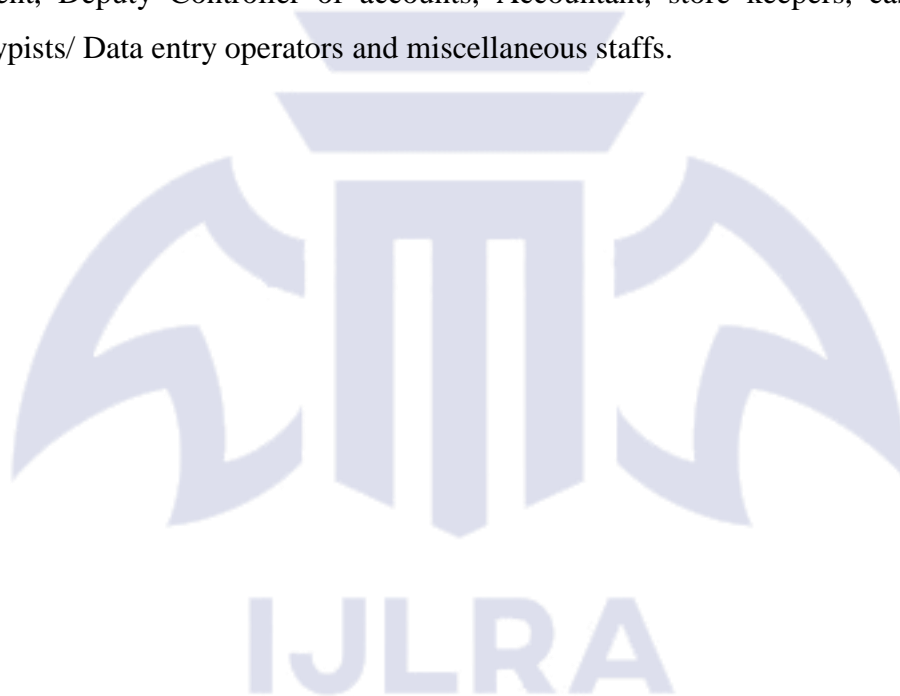
<sup>2</sup>“Steven Berkoff quotes” (inspirational stories) <<https://www.inspirationalstories.com/quotes/steven-berkoff-a-great-opera-house-isnt-run-by/>> accessed on 09 August 2023

<sup>3</sup> The Delhi Prisons Act, 2000, ss 64,67 and 74

search are taken care by Tamil Nadu Special Police, Indo Tibetan Border Police and Central Reserve Police. Escorting of Prisoners to courts and Hospitals are performed by group of Delhi Armed Police.<sup>4</sup> A prisoner can be promoted to a convict watchman, convict overseer or a convict warder based on special orders of superintendent helping in day to day management. In case of Medical administration, it shall preferably be a part of the Government Health Services/ Medical Department instead of the prison administration.

There shall be a resident medical officer who regulates health of prisoners, he can control all the medical personnel appointed to the prison. However he is under the control of the Inspector General through Superintendent and Deputy Inspector General<sup>5</sup>

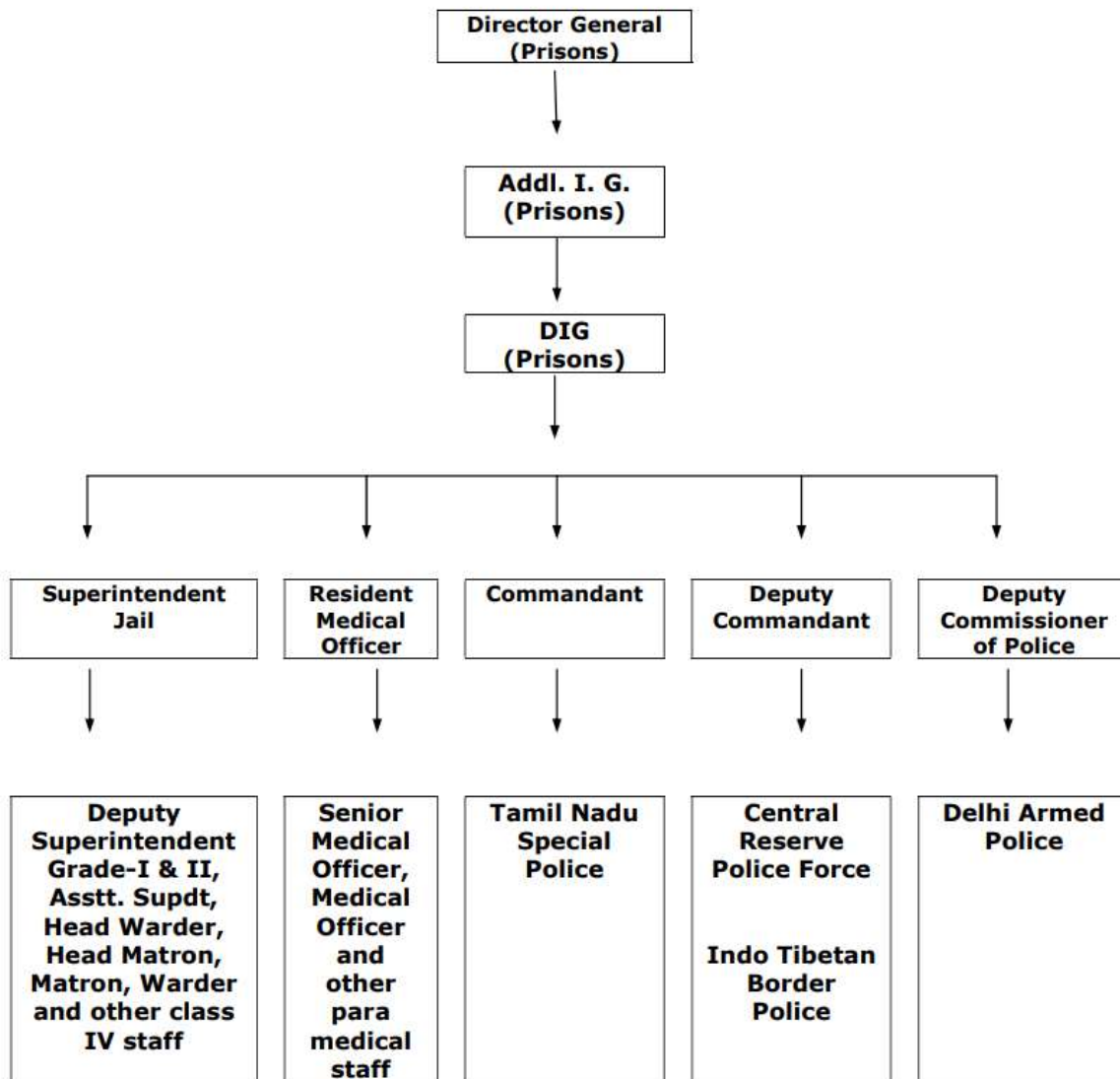
Apart from these staffs, to carry on the ministerial work there is an administrative officer, Office superintendent, Deputy Controller of accounts, Accountant, store keepers, cashier, dealing assistants, typists/ Data entry operators and miscellaneous staffs.



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<sup>4</sup>Darpan Singh, “Jain’s massage footage to Sisodia’s security row: Who exactly controls Tihar jail?” (India Today, 9 May 2023) < [https://www.indiatoday.in/news-analysis/story/jain-massage-footage-to-sisodias-security-row-who-exactly-controls-tihar-jail-2344361-2023-0309?utm\\_source=washare&utm\\_medium=socialicons&utm\\_campaign=shareurltracking](https://www.indiatoday.in/news-analysis/story/jain-massage-footage-to-sisodias-security-row-who-exactly-controls-tihar-jail-2344361-2023-0309?utm_source=washare&utm_medium=socialicons&utm_campaign=shareurltracking)> Accessed on 09 August 2023

<sup>5</sup> The Delhi prison Rules 2018, Paras 435, 440 and 441



**DAY TO DAY ADMINISTRATION:**

From regulating the conduct and discipline of prisoners to distributing prisoners with the food, clothing, healthcare and budget management everything comes under the umbrella of administration. Every prisoner shall have a history ticket which is given during their admission, containing name, date of admission, prison number and other particulars necessary for the identification of the prisoner like offence committed, police station, name of the trial court, next date for production of the prisoner in the court, the articles provided, task assigned to him, earnings in the factory, his health condition and change of nature of work due to medical condition where the entry is made by the deputy superintendent or medical officer. Prisoners on first admission to prison will be kept in a separate reception ward until the initial formalities for his placement are completed. Generally prisoners are classified into convicted and under trials, but even they are sub divided into sub classes as per Paragraph 52 of Delhi Prisons (Admission, Classification, Separation, Remission, Reward and Release of Prisoners) Rules, 1988 where Class

B prisoners involve those prisoners who by 'social status, education or habit of life are accustomed to a superior mode of living', Class C involve those prisoners not meeting the criteria of Class B. Class B prisoners get special privilege like superior accommodation, access to newspapers, magazines, special diet, use of light till 10 P.m. etc.<sup>6</sup> In the case of **Prem Shankar Shukla v. Delhi Administration**, the Hon'ble Supreme Court held that that the concept of classification of prisoners into the "better class" and "under class" is violative of principles enshrined in the constitution.<sup>7</sup> That the 2018 Rules clearly mentioned that No classification on the basis of social status should be attempted in case of Under Trial Prisoners<sup>8</sup> Convicted Prisoners are given certain responsibilities in day to day management like taking roll call, supervising cleanliness in the wards , performing the works delegated to them by the Superintendent as per paragraph 125 of Delhi Prison Rules, 2018.

At present, prison has shifted from a punishment Centre to that of a reformation Centre and have welfare funds, prison factory and several programs intending to aid the prisoners and make them productive to the society, Welfare fund is money donated by public or any other source approved by the administrator. It is administered by a committee containing Superintendent as Chairman, Deputy superintendent as Member secretary, Medical officer, , Chief Head warder, two convict officers nominated by Superintendent as members and Asst. Superintendent(Canteen) as treasurer.<sup>9</sup>

There is a Jail Factory in the Jail No.2 of the prison, which employs the prisoners in the vocation they are capable of , so that they can find employment even after their release, the factory's produce get the brand name TJ. The Jail Factory is managed by team of officials headed by a Deputy Superintendent ( Factory), supervision of manual labour by the inmates of prison and reports sent to the Superintendent, Central Jail. The wages that inmates receive are decided by the NCT of Delhi where the pay structure is like Rs.361/day for skilled workers, Rs.328/day for semi-skilled workers and Rs.297/day for the unskilled workers. 25% of the wage earned is contributed to the Victim Welfare Fund.

The Annual turnover for the year 2018-19 was Rs.18.6 crores which proves to support the country's economic growth as well. <sup>10</sup>

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<sup>6</sup> Peoples Union for Democratic Rights, Delhi, Beyond the Prison Gates: A Report on Living Conditions in Tihar Jail (Secretary, Peoples Union for Democratic Rights, Delhi (PUDR) 2011) 4

<sup>7</sup> Prem Shankar Shukla v. Delhi Administration AIR 1980 SC 1535

<sup>8</sup> The Delhi Prison Rules, 2018, para 1336

<sup>9</sup> The Delhi Prison Rules, 2018, para 1164

<sup>10</sup> "Delhi Prison's Sales Outlets" (Tiharprisons) < [Page | 9](https://tiharprisons.delhi.gov.in/tiharprisons/digitalization-retail-outlets-delhi-prison-department-under-digital-india-programme#:~:text=Sales%20%2F%20Turnover%20of%20Jail%20Factory,During%20the%20Year%202018-2019%2018.60%20Cr.> Accessed on 11 August 2023</a></p></div><div data-bbox=)

The effective implementation of correctional programs for the welfare of the prisoners is in the hands of the Welfare Unit which is headed by a Welfare Officer (HQ) who directly reports to the Deputy Inspector General. They maintain reports like Statistical returns and periodical reports, Case sheets of welfare activities of prisoners, Daily diary or Report Book Correspondence with the Social Welfare Department and non-governmental organizations;

No matter, how effectively the day to day works seems to be carried on, the truth is always confirmed by the inspection. There are two kinds of inspection to improve the working conditions of Prison staffs and Prisoners, informal inspection carried on by Deputy Inspector General (Prisons) involving matters like security and lighting arrangements, prisoners' strength, grievances of prisoners and prison staff, vacancy position of staff etc. and formal inspections carried on by a inspecting officer as appointed by the government who have to visit and record the prison at least for two days and two nights. They inspect and give a detailed report on matters like Jail alarm system, wages to prisoners, women prisoners and infant, the actual jail population and Action Taken Report on Grievance Redressal Meeting and canteen management. To inspect the jails and report discrepancies/ suggestions for the smooth management of the prison, board of visitors including the District and Sessions Judge, Delhi., visit the prison. There is also Sentence Reviewing Board to recommend the cases of life convicts for premature release, Minister in-charge of Prisons is the chairman of the board.<sup>11</sup>

There is a system of panchayat consisting of very carefully selected inmates, who are of good conduct and who have the potential and ability to organize events and activities. These panchayats plan and execute daily recreational programmes for inmates. This will give the prisoners a sense of participation in the prison management, which is an important component of any policy of welfare and reformation. The working of these panchayats should be continuously monitored by the prison administration.

### **QUASI JUDICIAL POWERS AND THE GRIEVANCE REDRESSAL SYSTEM:**

Paragraph 13(2) of Prison Rules, 2018 clearly mentions that a court room shall be set up in the prison complex to adjudicate on matters of concern. As per Section 46 of Delhi Prison Act, 2000 Prison Offence include any disobedience to regulation of the prison that have been declared by rules made under Section 71; any assault or use of criminal force; wilful injuries to himself; use of threatening language; immoral or indecent behaviour; stubbornly refusing to work; cutting,

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<sup>11</sup> 'Manual-8 under RTI: particulars or organisation, functions and duties' (Tiharprisons, 12 July 2023) <[https://tiharprisons.delhi.gov.in/sites/default/files/Tiharprisons/generic\\_multiple\\_files/manual\\_8.pdf](https://tiharprisons.delhi.gov.in/sites/default/files/Tiharprisons/generic_multiple_files/manual_8.pdf)>accessed on 10 August 2023

altering or removing handcuffs, fetters or bars without due authority; wilful damage to prison property; tampering any official documents; receiving, possessing or transferring any prohibited article; wilfully bringing a false accusation against any officer or prisoner; sending messages secretly by writing or speech or signs; participating in any riot or mutiny or abetting with another prisoner or prisoners to commit riot or mutiny. In case of Offences under Narcotics, Drugs and Psychotropic Substances Act; the Indian Penal Code including, Section 147 (rioting); Section 223 (escape negligently ) Section 224 –( resistance or escape or attempt to escape from lawful custody); Section 304-A(causing death by a rash or negligent act) and Section 309 (attempt to commit suicide), the superintendent shall immediately report to the local police to take action as per the code. Such offences are triable by the Sessions Court.<sup>12</sup>In case of other offences, the superintendent himself or through any other officers not below the rank of deputy superintendents can conduct a inquiry and award punishments.

There are two kinds of punishments , Minor punishments include formal warning, loss of privileges for a period of one month and forfeiture of remission earned up to 10 days whereas major punishments include forfeiture of remission up to 30 days or removal from the remission system up to 6 months with approval of Inspector general; stoppage of recreational activities up to 1 month; in case of breach or violation on the conditions of parole or furlough, not counting that period towards imprisonment; separation up to 3 months; monitoring under watch and security; in case of damage to prison property, recovering the cost. For award of major punishment the prisoner should be given notice in writing, calling him to show cause with reference to the alleged violation of the Jail rules.

The inquiry should be conducted in a quasi judicial manner recording statements of witnesses, giving full opportunity to the offender to defend. Confession made by the prisoner should also be recorded in the presence of two witnesses. Superintendent should take decisions applying his judicious mind based on the evidences and prisoner's history ticket, the entire enquiry file ,findings and punishment awarded shall be immediately sent to the District and Sessions Judge for obtaining Judicial Appraisal except in case of formal warning. The order of punishment should also be communicated to the concerned prisoner<sup>13</sup>. The entries of punishments shall be made in the punishment book with initials of Superintendent and Deputy Superintendent. It is to be noted that Except by order of a Court of Law, no punishment other than the punishments specified in the foregoing Sections shall be inflicted on any prisoner.<sup>14</sup>

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<sup>12</sup> The Delhi Prison Rules, 2018, para 1269 (LIV)

<sup>13</sup> The Delhi Prison Rules, 2018, paras 1272 and 1273

<sup>14</sup> The Delhi Prisons Act,2000 , s 49

As per Section 52 of the Delhi Prisons Act, Every Deputy Superintendent or officer of a prison subordinate to him who shall be guilty of any violation of duty or willful breach, shall be liable, on conviction before a magistrate, to a fine not exceeding ten thousand rupees, or imprisonment for a period not exceeding six months or to both. In the case of *Govt. Of Nct Of Delhi & Ors. vs Naresh Kumar*, Naresh Kumar and Satish Kumar respectively, were appointed on probation against the temporary post of Warder Prison in Tihar Jail, the memorandum on recommendation of staff selection commission stated, they will be on a probation for a period of two years from the date of appointment. Failure to complete the period of probation to the satisfaction of the Competent authority will render him liable to discharge from service without any notice. Pursuant to an FIR registered for the offences punishable under section 363,366,376, IPC Naresh Kumar and Satish Kumar were arrested on 13.10.96 and were sent to judicial custody. On 16.10.1996 services of both the respondents were terminated under rule 5 of the CCS (Temporary Service) Rules 1965. The court held that the orders terminating the services of the respondents were not founded on any misdemeanour and thus there was no requirement to hold an inquiry. The orders were non-stigmatic and even lifting the veil no stigma could be found<sup>15</sup>

To address the grievances of the prisoners, there is a active grievance redressal system , where the prisoners drop their written petitions addressing the superintendent into the complaint box , the key of which remains with the superintendent. To enquire into the complaints the Superintendent shall form a permanent Committee of Grievance Redressal System. Any prisoner aggrieved by the decision of the Grievance Redressal Committee may appeal to the Deputy Inspector General within thirty days from the date of communication of such decision.<sup>16</sup> He can even address to the higher authorities that there shall be separate complaint box addressing grievances to District Judge, Sessions Judge or Inspector General who visit there. There is also option of mobile petition which is directly addressed to the Inspector General who have to open it every day.

#### **ADMINISTRATIVE DISCRETION VS. PRISONER'S RIGHTS:**

Article 21 of Indian constitution states no person shall be deprived of his life and personal liberty except under the procedure established by law, this "Procedure established by law" in the case of *A.K.Gopalan v. State of Madras*, has been interpreted as standing away from the Article 19 that it was held that all those freedoms, reasonable, fair and just actions are not available for prisoners

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<sup>15</sup> Govt. Of Nct Of Delhi & Ors. vs Naresh Kumar 2022/DHC/005056

<sup>16</sup> The Delhi Prisons Act,2000, s 57(3)

behind the walls.<sup>17</sup> But after the case of *Maneka Gandhi v. Union Of India*, it became necessary that executive action taken under an enacted law must be just, fair and reasonable.<sup>18</sup>

Section 61 of the Delhi Prison's Act 2000 allows the authorities for controlling any incident of rioting, preventing escape of prisoner, to use little force and do a little injury to the prisoner. But this provision has been arbitrarily used by the authorities subjecting the prisoners to inhumane and cruel treatments. By a catena of judgements, the Maneka Gandhi case doctrine was applied to Prison administration. In *Geeta and ors. V. State*, Ankit Gujjar has lost his life to Custodial Violence in Tihar Jail for which his sister, mother and brother had filed a writ petition, that prison officials tortured him by demanding money and despite complaint given by him when alive, no actions were taken, the court ordered that investigation regarding who all committed the crime and the role of jail doctors who didn't provide proper treatment at right time must be ascertained by a proper enquiry. The court also ordered the state and Director General to take immediate remedial actions<sup>19</sup>. In *Sunil Batra v. Delhi Administration*, putting bar fetters on a Under Trial Prisoner and unauthorised solitary confinement of a prisoner were challenged as excessive use of discretion by Jail Authorities, Justice Desai Pointed that Solitary confinement and iron fetters though provided under Prison law, the powers should be exercised only when it is absolutely necessary and solely for the reasons and considerations to carry on the purpose of the Act.<sup>20</sup>

"I was free from harassment only inside the barracks. The moment the barracks were unlocked the harassment began in full swing, I was made to clean the general toilets, sweep and mop the floor and the common areas of the ward. The warders and the munshis seemed to have been instructed to inflict as much pain as they could.", says Iftikhar Gilani in his book, 'My Days in Prison', this clearly shows the cruelty the prisoners were subjected to.<sup>21</sup>

From the Delhi Prison Act and the Delhi Prison Rules, in many places it is clearly visible that there is much concentration of power in the hands of Superintendent. But one must not forget that "Power corrupts and absolute power corrupts absolutely. Hence, to prevent such misuse and excessive discretion, The Prison Act have subjected the Superintendent under the control of Inspector General in most of the case where important matters are concerned.

In the case of *Charles Sobraj v. Superintendent*, Central Prison, Tihar, Justice Krishna Iyer quoted that,

"Fair procedure is the soul of Article 21, reasonableness of the restriction is the essence of Article

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<sup>17</sup> A.K.Gopalan v. State of Madras AIR 1950 SC 27

<sup>18</sup> Maneka Gandhi v. Union Of India AIR 1978 SC 597

<sup>19</sup> Geeta and ors. V. State W.P.(CRL) 1558/2021

<sup>20</sup> Sunil Batra v. Delhi Administration 1980 AIR 1579

<sup>21</sup> Iftikhar Gilani, My Days in Prison (Penguin India 2005) 55

19(5) and sweeping discretion degenerating into arbitrary discrimination is anathema of article 14”.<sup>22</sup>

After the case of *Prem Shankar Shukla v. Delhi Administration*, the Court for the first time abandoned the old doctrine of non-interference in the matters of jail administration and went deeper into bad practices in jail and made an attempt to set them right.<sup>23</sup>

In the case of *Hussainara Khatoon v. Home Secretary*, many prisoners were detained for a long time than their imprisonment term only because of their inability to produce bail bonds for the release. Only after this case the need for legal aid for poor prisoners were emphasized.<sup>24</sup> The paragraph 1114 to 1118 of the Delhi Prison Rules 2018 provided for free legal aid to poor prisoners who couldn't adequately defend themselves.

In the case of *O.P.Gandhi v. Tihar Jail*, the court asked the Tihar jail Authorities and Delhi Govt. to disclose their policy regarding wrongful extra detention of prisoner in the form of citizen charter under section 4(1)(b), (c) and (d) of The Right To Information Act as per the direction of CIC.<sup>25</sup> In pursuance of clause (b) of Sub section (1) of Section 4 of Right to Information Act 2005, Director General (Prisons), Delhi published 17 manuals containing necessary details about the various matter concerning the working, administration and management of Delhi Prisons Department, Govt. of National Capital Territory of Delhi. Moreover, prisoners can also file for papers under RTI, they use it to get information about their jail time, medical records or missing facilities, prisoners are exempted from paying the application fee. A prisoner filed an RTI for information regarding the prescribed diet for under trials which shows that this RTI to an extent provides authorities to give reason for their arbitrary actions when asked for.<sup>26</sup>

Thus by interference of judiciary and by the incorporation of Delhi Prison Rules, 2018, the excessive discretion of administrative authorities were limited to some extent.

### **ADMINISTRATIVE FLAWS:**

Though the provisions and rules provide about structure and method of administration, the reality is always different from what is written. There is no ideal system which exist without its flaws, Tihar administration too has its own flaws. One of the major concern is about its overcrowding

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<sup>22</sup> Charles Sobraj v. Superintendent 1978 AIR 1514

<sup>23</sup> P. leelakrishnan, “Prisoner Rights and Discretion of the Prison Administration” [1981] CULR 140, 142

<sup>24</sup> Hussainara Khatoon v. Home Secretary, AIR. 1979 SC 1360

<sup>25</sup> O.P.Gandhi v. Tihar Jail CIC/SA/A/2016/000884

<sup>26</sup> HT Correspondent, “In how many days will I get released? Tihar prisoners file RTIs to get info” (Hindustan Times, 17 February 2018) <[https://www.hindustantimes.com/delhi-news/in-how-many-days-will-i-get-released-tihar-prisoners-file-rtis-to-get-information/story-fPII8WckZyvtbVyMtLUGIL\\_amp.html?utm\\_source=whatsapp&utm\\_medium=social&utm\\_campaign=ht\\_AMP](https://www.hindustantimes.com/delhi-news/in-how-many-days-will-i-get-released-tihar-prisoners-file-rtis-to-get-information/story-fPII8WckZyvtbVyMtLUGIL_amp.html?utm_source=whatsapp&utm_medium=social&utm_campaign=ht_AMP)> Accessed on 14 August 2023

and understaffing. An RTI report from the Tihar prison, shows that there are 13183 prisoners even though the sanctioned capacity is 5200 inmates. The major problems because of overcrowding is that there are more gang rivals which couldn't easily be controlled by the prison authorities due to over population of inmates and maintaining surveillance is becoming difficult. A most recent murder that has happened on May 02, 2023 in Tihar because of Gang Rival is the Murder of gangster Tillu Tajpuria who was killed by his rival Jitendra Gogi gang. HGS Dhaliwal, Commissioner of Police (Special Cell) in his interview with NDTV said that the lapses were from the administration side as the incident could have been avoided if the security was strong and members of both the gang were placed in separate jails.

In spite of most of honest and sharp witted officials like Dr.Kiran Bedi, there are few greedy officials who are influenced by money and political background who ruin the name of entire administration. It was well said by Iftikhar Gilani that 'rules are easily made flexible enough to provide comforts for those with money and muscle'. One such case was the Chandra brother case, Sanjay Chandra and his older brother, Ajay Chandra, are the former owners of Unitech, which was a real estate giant for several years. The brothers were arrested in 2017 for money laundering and other financial crimes.<sup>27</sup> In *Bhupinder Singh vs Unitech Ltd*, the forensic auditors have not been provided with complete recourse to the electronic records including those which were in the possession and custody of the Chief Financial Officer(s). In the absence of a complete availability of the electronic records to the forensic auditors, their task has been severely undermined and obstructed, for which the court had directed to the Jail superintendent that the Chandra brothers shall not be entitled to any additional facilities apart from those which are available in normal course in terms of the jail manual.<sup>28</sup> However the Enforcement Directorate had told the court that the Chandras had created an "underground" or "secret" office where they received all the information relevant to the investigation against them from the tihar officials in spite of previous order given by the court. About 32 officials were found to be involved as per the confidential report submitted by the Enforcement Directorate to the court. The court ordered for immediate suspension of all those officials involved and charge them under the provisions of Prevention of Corruption Act and IPC on the basis of inquiry report submitted by Delhi Police Commissioner Rakesh Asthana who was appointed by the court to investigate into the matter.<sup>29</sup>

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<sup>27</sup> Sukirti Dwivedi, Akhil Kumar, 'Sorry State Of Affairs In Tihar Jail: Top Court On Unitech Promoters Case' (NDTV ,10 November 2021) <<https://www.ndtv.com/india-news/sorry-state-of-affairs-in-tihar-jail-top-court-on-unitech-promoters-case-2605742>>Accessed on 15 August 2023

<sup>28</sup> *Bhupinder Singh vs Unitech Ltd I.A. Nos. 88960 of 2020 & 47525 of 2021*

<sup>29</sup> Abraham Thomas, 'ED approaches Supreme Court for custodial interrogation of Chandra brothers' (Hindustan Times, 18 November 2021) <https://www.hindustantimes.com/india-news/ed-approaches-supreme-court-for-custodial-interrogation-of-chandra-brothers-101637177458105.html>> Accessed on 15 August 2023

A show cause notice has been sent to the Superintendent for transferring two prisoners to Satyender Jain ( Former Minister) on latter's request, however the Administration immediately shifted him back as he had done this without informing or asking the permission of the Jail Administration.<sup>30</sup>

Nitheesh Narayanan, a prisoner released from Tihar Jail, revealed some shocking truths, Certain group of Prisoners wore badges calling themselves "shayaks" and they abused the new prisoners, in fact those shayaks had no official authority and were same as all other prisoners. The convict officers who were appointed misused their powers, the in charge of the barrack in which Nitheesh was admitted was a Rape Case convict Akshay Thakur, who had himself abused his fellow prisoners. Moreover , Nitheesh added that barrack was divided into 2 parts where one part is allotted to the inmates closer to the authorities, they were provided with good quality mattresses, pillows, blankets, TV and whatever else they want. There was also a smart card system for these VIPs in which one can deposit a sum of 6000 rupees per month, using which prisoners can purchase whatever they want.<sup>31</sup>

#### **CONCLUSION:**

Some of the points that can be considered for improving administration of Tihar is that they can recruit more staffs, so that they can meet the security demands of overcrowding prisons and prevent gang murders. The Prison officials when discovered by the inquiry committee for involving in corruption or showing favouritism should be immediately fired from the service which can create a sense of fear and responsibility among other authorities preventing them to engage in such activities. The convict officers appointed should be of good character and with leadership qualities compared to other convicts in that particular barrack, so that he can effectively carry out day to day management without misusing his power. The Jail administration should classify prisoners accordingly, that no place is given for gang rivalries or petty fights. The latest Annual reports should be made available to the access of public, as only the 2013 report is available in the official website. Press and media should be allowed to interact with the officials which makes them a kind of responsible towards the public, making them accomplish their work effectively. The Arbitrary use of discretion by Superintendent should be under the constant check of the Inspector General. The Board of visitors should be unbiased and submit proper report about

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<sup>30</sup> Arvind Ojha, "Lonely Satyendar Jain requests for more inmates in his cell, Tihar Jail superintendent gets notice for shifting 2" (India Today, 15 May 2023) < <https://www.indiatoday.in/india/story/tihar-jail-superintendent-show-cause-notice-satyendar-jain-cell-money-laundering-case-2379265-2023-05-15>> Accessed on 16 August 2023

<sup>31</sup> Nitheesh narayanan, "A TIHAR EXPERIENCE: NITHEESH NARAYANAN" (Kafila , 05 October 2013) <<https://kafila.online/2013/10/05/a-tihar-experience-nitheesh-narayanan/>>Accessed on 23 August 2023

the management of prison, which prevents the loopholes in the internal administration. With all these methods, Tihar prison can surely be changed from the most notorious prison to the most productive prison of India.

