

# BEYOND PRISON WALLS

Conversation on Prisoners' Rights

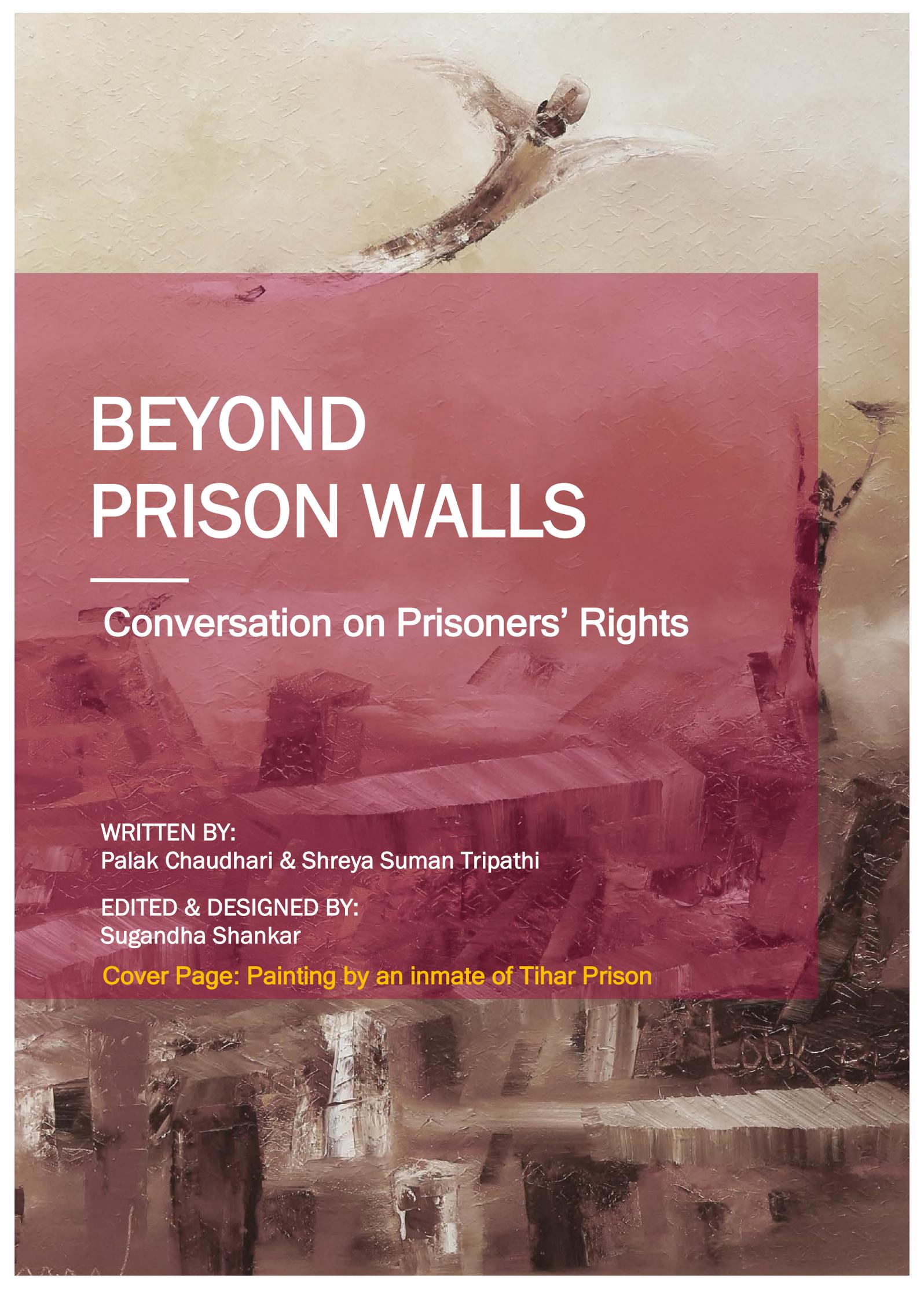
REPORT ON A ONE-DAY SEMINAR

23 September 2017

NDMC Convention Centre, New Delhi





The background of the cover is a painting. The top portion shows a figure with large, dark wings, possibly an angel or a prisoner, flying or falling over a landscape. The middle section is a solid, textured red band containing the title and authors' names. The bottom section shows a dark, textured interior of a prison cell, with a person sitting on a bench in the foreground and another person standing in the background.

# BEYOND PRISON WALLS

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Conversation on Prisoners' Rights

WRITTEN BY:

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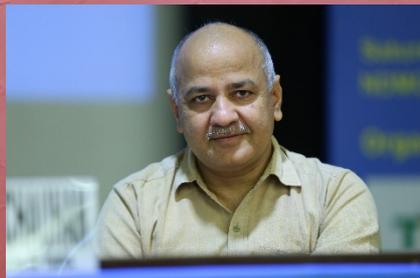
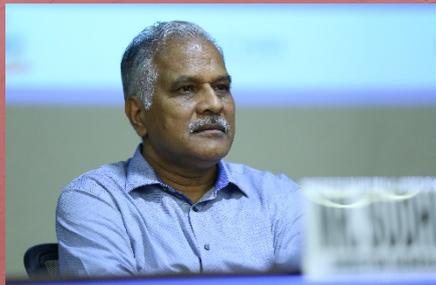
EDITED & DESIGNED BY:

Sugandha Shankar

Cover Page: Painting by an inmate of Tihar Prison



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# THE CONCEPT

## OBJECTIVES OF THE SEMINAR

Tihar prisons in collaboration with Bureau of Police Research and Development (BPR&D), Commonwealth Human Rights Initiative (CHRI) and Delhi School of Social Work (DSSW) organized a seminar on *Beyond Prison Walls, Conversation on Prisoner's Rights*. It was held at the NDMC Convention Centre - New Delhi on 23 September 2017. It was the first of a kind event, where the prisoners were part of the seminar. The concept developed around the idea that a conversation about prisons and inmates would not be meaningful or complete in the absence of the perspective of its primary stakeholder. While it gave them the opportunity to raise their concerns freely before various actors of the criminal justice system, it also provided a platform to prison staff and other functionaries to talk of everyday challenges and how they cope. Broadly, the consultation aimed to:

1. Build relationships at the intersection of criminal justice between people behind bars and those who govern the system.
2. Sensitise the functionaries to pledge against injustice and focus on the socio-economic impacts of detention.
3. Raise public consciousness on issues plaguing the system and encouraging dialogue on reformation, rehabilitation and reintegration.

## KEY RECOMMENDATIONS

### Bail provisions

1. Arrest, under Section 41 of the Criminal Procedure Code, 1973 (The Code), should not be a rule where maximum sentence for offence is less than 7 years. Also, Section 41B of the Code should be implemented in its entirety. The Investigating Officer should inform the arrested person of the grounds of arrest immediately after arrest and educate him on bail and if he cannot afford legal aid, it should be provided to him. **(Hon'ble Dr. Justice B.S. Chauhan, Chairman, Law Commission of India)**
2. Before arresting a person reasons must be recorded. Failing to comply, the officer may face disciplinary proceedings. There is a need to add this provision to the existing arrest procedures to check arbitrariness. **(Justice Chauhan)**
3. A specific provision must be added to record prima facie reasons for denying bail. This will to some extent remove the arbitrariness prevalent in the justice system. **(Justice Chauhan & Dr. Aparna Chandra, Professor NLU Delhi)**
4. Section 436A of the Code should be amended - for offences up to 7 years imprisonment accused must be eligible for bail if s/he has served 1/3<sup>rd</sup> of the maximum prescribed imprisonment, and for offences with more than 7 years imprisonment, the current provision of completing one-half of the maximum prescribed imprisonment should be applied to be eligible for grant of bail. **(Justice Chauhan)**
5. Section 438 of the Code which provides for Anticipatory Bail should be amended as it has become a privilege of the rich. It should be restricted to only 2 months. **(Justice Chauhan)**
6. We should use the least restrictive means to restrict the rights of the person and this could indeed be revolutionary in how we grant bail in the country. **(Dr. Chandra)**
7. The practice of asking of local surety is unfair resulting in many staying behind bars longer than they should and hence should be simplified by taking surety from the person's home irrespective of the state s/he belongs to. The magistrate of the district where offence has taken place must coordinate with the magistrate of the person's native district or with police in order to obtain surety from person's home/family. **(Sr. Adv. Mr. S.S. Gandhi, Delhi High Court)**
8. Laws should be simplified and prosecutors should be sensitized to not oppose bail in every case. **(Mr. Gandhi)**

9. A benefit assessment should be conducted for any person for whom bail application has been filed. Such factors as dependency of the family, contribution to the society, etc., should be taken into account while deciding bail. **(An inmate from Tihar)**

### Period of Detention

10. Long delays in trials leads to long detentions. To keep a check on this, a new categorisation of offences was recommended - (i) Bailable and Compoundable, for which no arrest would be made; and (ii) Non-bailable, for offences related to terrorism, drugs, rape, murder and heinous crimes for which the trial should be completed from 6 months to 1 year. **(An inmate from Tihar)**
11. More emphasis must be on alternatives to imprisonment like giving community service to petty offenders. **(An inmate from Tihar)**

### Effective Legal Aid

12. "Quality legal aid" must be provided and the need for regular interaction between inmates and lawyers is extremely important. **(Hon'ble Justice Madan B. Lokur, Supreme Court of India)**
13. The legal aid system in the country should be revolutionized and no undertrial should be kept in prison for over 6 months. **(Sr. Adv. Mr. K.T.S. Tulsi, Member of Parliament, Rajya Sabha)**

### Undertrial Review Committees

14. Undertrial Review Committee (UTRC) in every district plays a crucial role in reducing the burden on jails, which are overcrowded. UTRC meetings must be conducted every month. **(Justice Lokur)**

### Connecting Prisons to Outside World

15. Prisoners should be given the liberty to speak and interact with their family as this will allow them to not feel isolated. **(Justice Lokur)**
16. Such seminars should be held in prison to let the inmates know that people on the outside care for them to boost their morale and support them emotionally. **(Mr. Tulsi).**
17. In order to curb social stigma, people behind bars must be given opportunity to communicate well with people outside and there is a need to bring the community inside the prison. **(Dr. Jayadev Sarangi, Secretary (PR) and Director, Directorate of Information & Publicity, Govt. of NCT of Delhi)**

### First-time Offenders

18. First time offenders should be treated differently, they shall be given counselling and meetings with social workers to avoid any adverse effects from the repeat offenders. **(An inmate from Tihar)**
19. In addition to searches and medical (examination) on entry into a prison, a Centre for First-Entry Stress Management must be set up so that inmates, especially women inmates, are given emotional support and guidance that would help them understand to deal with the trauma of being in prison. **(Ms. Priyanka Yadav, Superintendent, Asha Jyoti Home & Female Beggar Home)**

### Children of Women Inmates

20. Special attention must be given to the children with women inmates. The diet of those children is a great concern, and measures must be taken for their all-round development. **(Ms. Yadav)**

### Rehabilitation

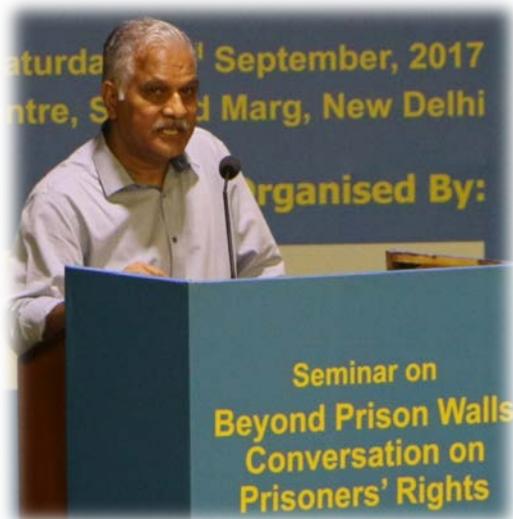
21. The role of the prison authorities must also extend to and focus on the after-care and rehabilitation. Efforts must be made to ensure that an inmate after serving the sentence is given job opportunities to lead a dignified life. **(Mr. Shailendra Parihar, DIG, Delhi Prisons)**

### Prison Staff

22. Proper training should be provided for the prison staff, so that they do not violate the rights of the prisoners. **(Mr. Parihar)**

## THE INAUGURAL SESSION

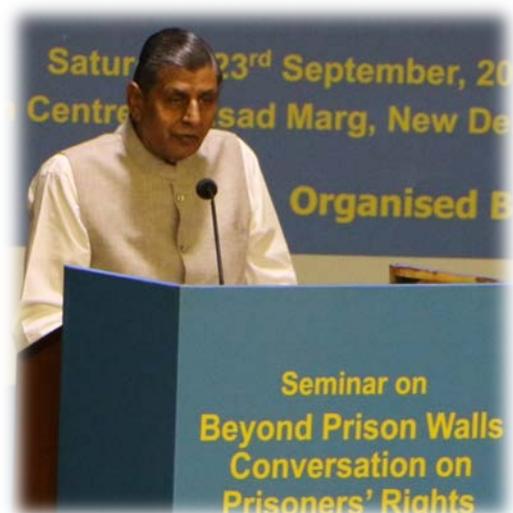
The seminar was commenced with the inspiring words of the eminent panellists. They raised issues and concerns that were close to them and set the tone of the seminar by placing their expectations. They encouraged the participants to express freely and contribute to the deliberations.



Sh. Sudhir Yadav, Director General, Delhi Prisons, launched the seminar by sharing his experiences as head of the largest prison complex of South Asia - *"My initial days in Tihar made me realise that prisoners face numerous problems of socio, economic, legal and psychological nature. This disturbed me emotionally and I decided to do my bit. One can never truly know a nation until they have been inside its prisons. A country is not recognised by how they treat their highest citizens but its lowest citizens."*

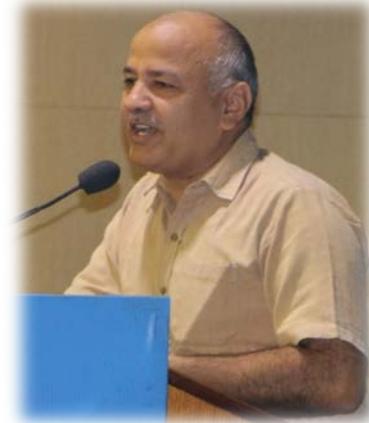
He further added, *"Our jails should not be like kala pani, when a person steps into the prison walls, they should not be denied their basic rights, human dignity, legal remedies, above all they should be released on their due dates. To allow their proper integration back into the society we should try to rehabilitate them, allowing them to emerge as better citizens."*

Hon'ble Dr. Justice B.S. Chauhan, Chairman, Law Commission of India, in his inaugural address, emphasized that *"after being convicted, a person does not cease to be a citizen of India. He still has rights"*. His rights under the constitution and other statutes remain intact to lead a dignified life, even in jail. On bail, Justice Chauhan said that, *"the privilege of the rich in criminal procedure must be ended, particularly in light of Article 21 (life and liberty) and Article 14 (non-discrimination) within the Indian Constitution."*

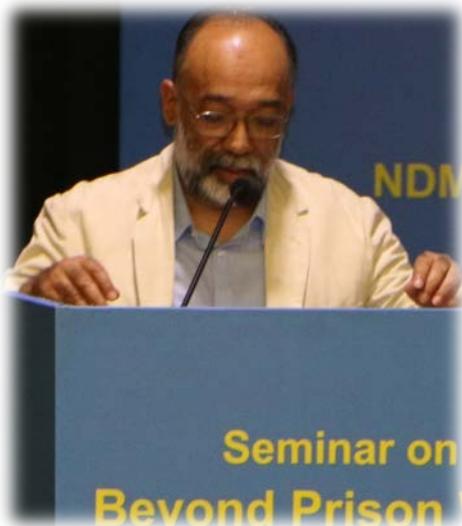


He further commented upon the high rate of arrests in the country stating that the 3<sup>rd</sup> Police Commission Report stated that 60% of arrests made in the country are unnecessary and 43.3% of prison resources are spent on such inmates. He said that *“dignity of the person is lost”* even when he is arrested without reason and also *“public money is being wasted”* on their detention.

Sh. Manish Sisodia, Deputy Chief Minister, Government of Delhi, began by welcoming the inmates present, addressing them as dignitaries, and spoke of the importance of dignity for all individuals. He also congratulated CHRI and its work in this area, which he became acquainted with as a journalist and as a social activist. He assured the organizers that he would take the recommendations of this seminar forward.

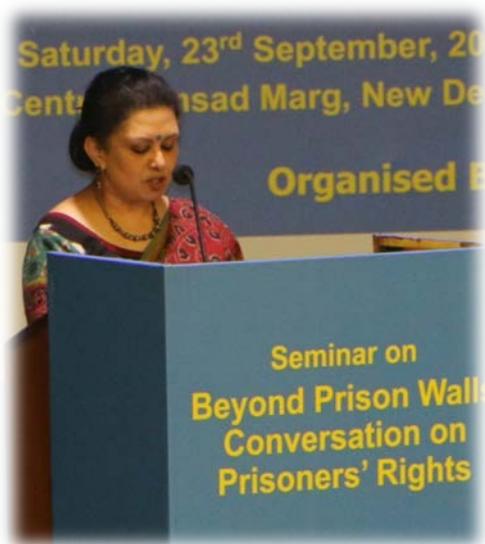


He stressed that we shouldn't be looking into the kind of rights we want for the prisoners of our country because that would be a biased view and we may even overlook many things. We should rather be asking ourselves regarding the rights that we would want for ourselves if any one of us were to ever go to prison.



Sh. Sanjoy Hazarika, Director, Commonwealth Human Rights Initiative, began by quoting Sanjay Dutt - *“Prisons are the best universities in criminalizing a person”*. Mr. Hazarika rightly pointed out that *“more people are there than should be there and those who should be are not there. The most vulnerable and the poorest are the ones who suffer the most, regardless of their ability to be free. I hope that at the end of the seminar, some ideas would emerge to facilitate the freedom of many”*.

He stressed on how *“important it is to hear the prisoner's voices as it is not enough for us to speak on behalf of them because we can never really put ourselves in somebody else's shoes”*. Further, he stated that *“systemic changes are critical to the future of the correctional system, for it to work adequately and effectively”*.



Dr. Neera Agnimitra, Head of the Department, Delhi School of Social Work, *"the domain of correctional social work is ever expanding in the contemporary context. The judiciary has time and again asserted the imperativeness of the role of social workers, especially in the prison setting. The Department of Social Work, University of Delhi, hopes that this seminar shall foster an extensive engagement of the relevant spectrum of stakeholders to create a meaningful discourse in the field of prisoners' rights and prison reforms."* She also thanked Tihar for transcending prison walls, physically and metaphorically.



## PANEL DISCUSSION ON THE LAW COMMISSION OF INDIA'S REPORT ON BAIL

Undertrials constitute more than two-third of the prison population in the country. Keeping liberty as paramount, pre-trial detention must be minimal before conviction and justifiable only according to procedure established by law. The grant of bail is one important remedy available in the law. The familiar dicta “bail not jail” is often held out as the bulwarks of fair trial, but the profile of the prison population gives it the lie. The recent report on bail by the Law Commission of India attempts to suggest correctives by way of amendments in the Code of Criminal Procedure, 1973.

On this note, the first-half of the day witnessed a panel discussion on existing bail provisions and practice; the amendments proposed by the Law Commission recently; the challenges in implementation of the provisions and the way ahead. The session was moderated by Ms. Maja Daruwala, Senior Advisor, Commonwealth Human Rights Initiative (CHRI).



Some inmates from Tihar addressed the august gathering sharing their experiences. “There have been detailed conversations on the need for risk assessment, it’s time we start talking about benefits to society by granting bail,” said a Tihar inmate. Commenting on the perception of the society, an inmate from Tihar said, “*police ne pakda hai toh zaroor crime kiya hoga*” (if the police has caught someone, he must have committed a crime). The legal dicta “innocent until proven guilty” has no meaning and is commonly crushed by the perception of people. Based on these experiences shared by the prisoners, the moderator requested the eminent panellists to address the issues concerning bail and suggest solutions that could be taken up on their end.

One of the inmates also stated that despite many guidelines and direction provided by the Supreme Court over the years, law continues to be very vague as to the offences for which bail can be granted and those for which it cannot be granted. He also stated that the Government is keen on creating more jails, instead they should be creating more Courts to ensure speedy and fair trial. They should also be looking into alternatives to prison sentences such as community service.

**Sr. Adv. Sh. K.T.S. Tulsi, Member of Parliament, Rajya Sabha** - He began by quoting Krishna Iyer and stating that “the walls of prison are made from stones of law”. “The law that cannot decide for 10 years if you are guilty or not, is no law at all. *Kanoon woh jo ek kisaan bhi samajh sake, itna saaf hona chahiye*” (a law should be such that even a farmer can understand easily). Quoting Justice Bhagwati, he said, “*Who will return his youth when you reach the conclusion of his innocence after 10 years.*” He further opined that the legal aid system in the country should be revolutionized and no undertrial should be kept in prison for over 6 months. He also stressed that judges should be provided with all facts and figures regarding the population in various prisons and should decide on bail applications by keeping this in mind.

**Sh. Girish Kathpalia, District Judge, South - East Delhi** - “*If the state does not fulfil their responsibility of ensuring the safety of the prisoners and that they do not commit suicide or run away then they should not have the authority to curtail their rights either*”. He shared his experiences regarding the kinds of accused that he sees in courts. While some prefer day to day trial as it gives them opportunity to meet their families, some prefer delay in trial, as it breaks the witnesses, destroys the evidence and increase chances of acquittal. He said that bail applications should not be generalized and they should be dealt with in a case-to-case basis.

**Sr. Adv. Sh. S.S. Gandhi, Delhi High Court** - “*When I started practice, bail use to be a rule and jail exception, but now it is not the same. Bail is for the fair trial, when you keep persons in jail you are already in some way making a perception that they are criminals. Prisons should be like hospitals and like doctors the officers should be trained professionals, allowing rehabilitation and reformation.*” He also stated that if at the stage of granting bail, the judge has to look into all facts of the case and decide, then it is not necessary to conduct trials anymore, the accused may as well be convicted at that very stage. Hence, laws should be simplified and prosecutors should be sensitized to not oppose bail in every case.

**Ms. Suman Nalwa, DCP (Training), Delhi Police Training School** - “*The police usually get seen in a bad light, but they do not stand true to that image, they should be given a chance to explain themselves too. This would allow smoother functioning and a fruitful collaboration.*” She said that police perspective on bail is generally derived

from the view that *“more criminals in custody mean fewer crimes”*. She also stated that *“Human Rights of an accused are a low priority area for the police. The officers’ first priority is to ensure that crime does not happen and if it does happen, then solving the case as soon as possible and putting behind bars the perpetrator of the crime. If he can do all of this within the ambits of Human Rights, he will definitely do so”*.

**Dr. Aparna Chandra, Professor, National Law University, Delhi** - *“In our system, accused has to ask for bail and explain why they should get it. Judge has to state why they have granted bail, not why they denied bail. Problem of prison overcrowding can only be of two reasons - either because the infrastructure is too less or there is something wrong with how we are processing our bail determination.”* She opined that the biggest concern regarding the bail and remand is that the system has a very mechanical approach to both. She also spoke about the recommendation of the law commission that we should *“use the least restrictive means to restrict the rights of the person”* and expressed that this could indeed be *“revolutionary in how we grant bail”* in the country. She also expressed her concern regarding one of the recommendations of the Law Commission that Special Laws should have a different paradigm for bail. That it is a problem because *“the judge can grant bail only if he believes that the person is not guilty and in practise, no judge can grant bail at that stage on such grounds, and in effect, the person will not get bail”*.

**Ms. Maja Daruwala, Senior Advisor, Commonwealth Human Rights Initiative** in her concluding remarks said, *“Human Rights mean good governance and complete adherence to rule of law. Ours is a broken system. But justice should be delivered to all. We know the problems and the solutions, yet there is no implementation. We all must strive towards a more accountable and transparent justice system.”*

## FIRST DEBATE

### “Kya is raat ki subah hogi?” – First Day in Prison

The first day in prison is the most challenging for most inmates. As it is the time when they have to come to terms with the fact that they are within restricted walls. The sense of being lost, alone and without hope dominates. The male inmates from Tihar performed a skit and described the problems they face and the impact it left upon them, from strip searches to the living conditions to crowded spaces. They depicted how their fellow inmates empathize with them. This session tried to address questions like - What would give them comfort? What safeguards are guaranteed to them? What kind of psychological and emotional condition are they in at this stage?

The session was moderated by **Dr. Shaily Bhashanjaly**, a distinguished writer, academician and a well-known voice of All India Radio. Apart from inmates of Tihar, the session was enriched by the experiences of notable speakers **Ms. Geetanjali Goel**, Special Secretary, Delhi State Legal Services Authority; **Mr. Sunil Gupta**, former Legal Officer, Tihar; **Mr. Harinder Singh**, Superintendent, District Jail Jind; **Dr. Ajay Dalal**, former Resident Medical Officer, Tihar and **Mr. Zakir Husain**, Superintendent, Department of Social Welfare.



One of the speakers summarized the session appropriately by stating that, “*qaidiyon ki duniya bahut alag hoti hai, unki drishti ko dekhne ke liye, qaid se bahar jo log hain unki dhrishti ko badlna hoga*” (the world of the inmates is very different, the world outside needs to change its perspective to be able to see the world as they do).

On the issue of body searches, a women inmate shared her horrifying experience on the undignified way of how a search is conducted. She said, *“Jab hum entry karte hain, us time jo searching se guzarna padta hai woh humare liye mujhe lagta hai aise pal hai jise shayad hum marte dum tak nai bhool paenge. Ek aurat ko beshaq uski maan maryada ke bilkul bahar jaana padta hai, usko ek tarah se aisa kar diya jaata hai ki shayad woh khud hi nahi samajh paati hai ki main kis condition mein hoon searching ke baad. Agar Tihar Jail International hai, aur itna advanced hai, toh mujhe lagta hai aise equipments aane chaiye ki hume nude kare bina, un equipement ke zariye search kiya jaaye.”*

(When we enter the prison, the search that we have to go through, is such a traumatic moment for us that we would not be able to forget it until the day we die. A woman is made to go beyond her self-respect and dignity, leaving her devastated and lost. If Tihar Jail is an international jail and advanced in its functioning, then there should be equipment to search without having inmates to remove their clothes.)

**Ms. Geetanjali Goel, Special Secretary, Delhi State Legal Services Authority**, quoted the Supreme Court in the Sunil Batra Case, *“Are prisoners persons? Yes, of course. To answer in the negative is to convict the nation and the Constitution of dehumanization and to repudiate the world legal order, which now recognises rights of prisoners in the International Covenant of Prisoners’ Rights to which our country has signed assent”*

**Mr. Sunil Gupta, former Legal Officer, Tihar**, in response to a question posed by an inmate, stated that the High Court of Delhi held that, *“if you file a petition in High Court, you immediately get a receipt that your petition has been received, and in one week you get your petition number by which you can go through the day to day hearing”*.

**Mr. Harinder Singh, Superintendent, District Jail Jind** said that, *“Although there exists a lacuna in the system, the jail staff always try to do their best in their field of work. They believe in reformation and for them a new prisoner is not a mere number who is added to the population”*.

**Dr. Ajay Dalal, former Resident Medical Officer, Tihar**, talked about the medical treatment they give to all prisoners in the jail. He stated that they make efforts to rehabilitate the drug offenders and try to give medical treatment as soon as possible.

**Mr. Zakir Husain, Superintendent, Department of Social Welfare** said that to change the scenario in prison the first thing that should be done is to separate the convicts and undertrials, this is very much essential. He further said that, *“Jail should be like a Hospital and the Administrators should be like Doctors, and should be specialised*

*in their field*". He also emphasized for the "protection of new and minor offenders, he should not be in contact with habitual and hard core offenders, as may be abused by them financially, physically, sexually, and by all other ways and necessary steps should be taken to prevent this".

Numerous useful suggestions were made by inmates themselves.

Most importantly, that first time offenders should be treated differently.

They should be given counselling and meeting with social workers to be able to deal with depression and anxiety.

They must be segregated from repeat offenders to avoid any adverse effects.

They should be informed what offences they are accused of so that they can have a meaningful conversation with their lawyers.



## SECOND DEBATE

### “Humara Sangharsh Yahan Bhi?” – Issues concerning Women and Children inside Prisons

In this session, lawyers, members of civil society, prison staff and inmates discussed how women inmates are acutely vulnerable. Often without the support from their families, the conditions of women inmates impact their and their children lives. Limited education and dependency on male counterparts makes it even more difficult for them to undergo a trial, deal with lawyers, and understand what happens in court. This requires special considerations regarding their mental health needs.



The session was moderated by **Ms. Vartika Nanda**, a journalist by profession, an activist at heart and the founder of Tinka Tinka Prison Reforms. The experts from the field that actively participated during the session were **Ms. Jyoti Chaudhary**, Deputy Superintendent, Tihar; **Ms. Priyanka Yadav**, Superintendent, Asha Jyoti Home & Female Beggar Home, Department of Social Welfare; **Adv. Anu Narula**, Delhi High Court; **Ms. Monica Dhawan**, Director, India Vision Foundation; **Prof. Mali Sawariya**, Delhi School of Social Work and the enthusiastic representatives of women inmates. They raised concerns and suggested the way forward.



The women inmates described their experience through a skit, from searches to losing their family support, the mental trauma they go through cannot be put into words.

**Ms. Vartika Nanda** started by quoting the lines, *“ek pata hai jahan koi nahin janana chahta, ek darwaja hai jise koi paar nahin karna chahta, ek jagah hai jahan koi rehna nahi chahta; wo Jail hai”* (there exists a place where nobody wants to go, there exists a door through which nobody wants to enter, there exists a place where nobody wants to live, that place is called a prison). She further said that when a woman convict comes out of prison, she has to change her name, address, mobile number, neighbourhood and even her relations.

**Ms. Jyoti Chaudhary, Deputy Superintendent, Tihar**, while discussing the issues of children in the prison, stated that the prison authorities can only be custodians of the children but they cannot replace or be their family that is necessary for them. She further said that everyone inside the prison tries their best to lead a normal life but as soon as they go back into the society, they are made to realize this and even taunted about the same. While speaking of the women inmates, she also said that *“Court unko bari bhi kar deta hai toh samaaj unka saath nahin deta”* (Even when the Court acquits them, the society refuses to accept them).

**Ms. Monica Dhawan, Director, India Vision Foundation**, said that, *“when India Vision takes children of inmates into their care, they make sure that the children understand about it and face the challenges that come along with it boldly.”* She said that it also helps in making sure that the children don't feel guilty about such aspect of their life and move ahead, forming strong bonds with their mothers on the way.

**Ms. Priyanka Yadav, Superintendent, Asha Jyoti Home & Female Beggar Home**, suggested that in addition to searches and medical (examination) on entry into a prison, a Centre for First-Entry Stress Management must be set up, so that inmates, especially women inmates, are given emotional support and guidance that would help them understand on how they should deal with the trauma of being in prison.

**The women inmate representatives**, first spoke of the conflict that a child growing up in prison has to face as they are often confused as to what they should be learning or doing since different women raise their children differently. They also spoke about their fear of their future stating that, *“you have that fear in you, about how you would be able to face the outside world”*.

## THIRD DEBATE

### “Ek Doosra Mauka?” – Lack of opportunities after release and addressing social stigma

This session was moderated by **Sh. Satish Jacob**, the veteran journalist and witnessed the heartening participation by **Dr. Jayadev Sarangi**, Secretary (PR)/Director, Directorate of Information & Publicity, Govt. of NCT of Delhi; **Mr. Shailendra Kumar Parihar**, DIG, Delhi Prisons; **Dr. Manoj K. Jha**, Professor, Delhi School of Social Work; **Dr. Rajesh Kumar**, Executive Director, Society for Promotion of Youth & Masses and **Sadhvi Jaya Bharti**, Divya Jyoti Jagrati Sansthan. The speakers emphasized on the challenges faced by convicts post-release, especially the social stigma attached to incarceration. The session dealt with issues like - What would give them the confidence to face the challenges post release addressing issues of social reintegration? Would society be ready to accept them? How can civil society help?

**Sh. Satish Jacob**, opened the session by aptly describing the plight of inmates who are to be released from prison as, “*samaaj unko apnaega ke nahin aur wo apne aap ko apnaenge ke nahin*” (whether the society will be able to accept them or not and whether they will be able to accept themselves or not).

**Dr. Jayadev Sarangi**, Secretary (PR)/Director, Directorate of Information & Publicity, Govt. of NCT of Delhi, said that the social re-entry phase is very important. He said that it is essential to determine that the newly imparted skills to the inmate inside the prison is put to use outside prison.

**Mr. Shailendra Parihar**, DIG, Delhi Prisons stressed on the need for “people to remove these glasses of ignorance... jail is a part of the society. We must take the concept of open jails forward”.

**Dr. Manoj K. Jha**, Professor, Delhi School of Social Work addressed the concern of the inmates with regard to rehabilitation into the society. He said, “*Hum mein se aisa koi nahin hoga jisko zindagi ne doosra mauka nahin diya*” (There isn’t a single one of us who has been denied a second chance in life). He stressed that all inmates should also be given second chances by the society on being released from prison.

**Dr. Rajesh Kumar**, Executive Director, Society for Promotion of Youth & Masses (SPYM), spoke of de-addiction being an important aspect of rehabilitation. He spoke of a half-way home system being put in place in which such inmates who were receiving treatment and get released are placed so that their treatment can continue.

He also said that after the treatment, SPYM provides them with training such as soft skills and then take them into the job market. He addressed the gathering stating that second chances are indeed possible.

**Sadhvi Jaya Bharti, Divya Jyoti Jagrati Sansthan**, spoke of the many programs being conducted by the organization and said that they focus on mind-set correction of the inmates. She said that they work for, *“if he is a convict, he shouldn’t have vindictiveness and if he is an innocent undertrial, he shouldn’t be hopeless”* to facilitate rehabilitation of inmates. She also said that the stakeholders who interact with the society at large (such as media) should take some initiative in sensitizing the society about reintegration of inmates.

It was heartening to listen to some of the released prisoners’ life after prison and the challenges they faced to make it meaningful and dignified for themselves. One of the released prisoner had a very emotional response to the entire session, *“A convict dies every day of his life in the prison, and if someone is dying every day for 14 years of their life, the society should give him a chance to live after. Everyone makes mistakes and so, keyboards have delete buttons and societies have correctional homes.”* He also said that, *“samaaj maaf kar deta hai, parivar bhi maaf kar deta hai lekin insaan apne aap ko maaf nahin kar pata”* (the society will forgive, your family will also forgive but you might not be able to forgive yourself). One of the released convicts stressed that *“qaidi”* (convict) and *“bandi”* (undertrial) are two different things and the society should differentiate between them as such.

## VALEDICTORY SESSION

Dr. Meeran C. Borwankar, Director General, Bureau of Police Research and Development (BPR&D), said that in her experience, 99% of inmates are in prison due to accidents or emotional outbursts or such reasons, while only 1% are in prisons for being habitual offenders or under property offences. She reinforced that, "Prisoners have the same human rights as citizens and prison administration has to be alive to this fact. Open and transparent prison administration supported by civil society leads to reformation and rehabilitation of prisoner."



Hon'ble Justice Mr. Madan B. Lokur, Supreme Court of India, the Guest of Honour for the evening, addressed the august gathering by talking about his first visit to Tihar in 1993-94. He said, "*I have visited it again twice, and I found lots of improvements.*" He highlighted the importance of video conferencing, saying that it could be used more effectively by connecting prisons with courts, legal services authorities and other agencies of the criminal justice system. "*There are about 1,400 jails and courts are much more in number. We are trying to install video conferencing units in all jails,*" he said. It could also be used to update the prisoners on the status of their case.

The second point, he raised, was of legal aid anomalies. He stressed on "*quality legal aid*" and said that "*the need for regular interaction between inmates and lawyers is extremely important.*" He also emphasized on the crucial role being played by the undertrial review committees, which he said, needs to conduct meetings every month and he hoped that it would lessen the burden on the jails, which are really overcrowded. Further, he stressed on the significance of communication with closed ones. He said that the prisoners should be given the liberty to speak and interact with their family, as this will allow them to not feel isolated.



**CHRI**  
Commonwealth Human Rights Initiative



## BEYOND PRISON WALLS – CONVERSATION ON PRISONERS' RIGHTS

Tihar Prisons

in collaboration with the Bureau of Police Research & Development,  
Commonwealth Human Rights Initiative (CHRI),

&

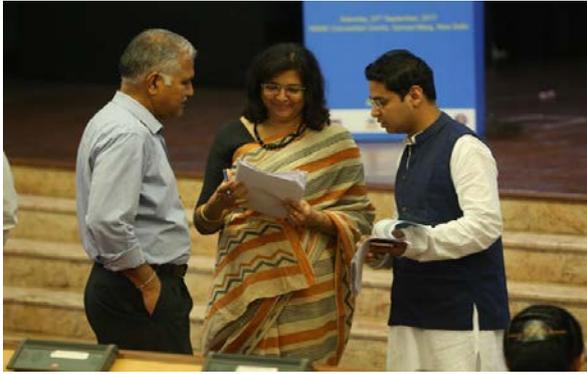
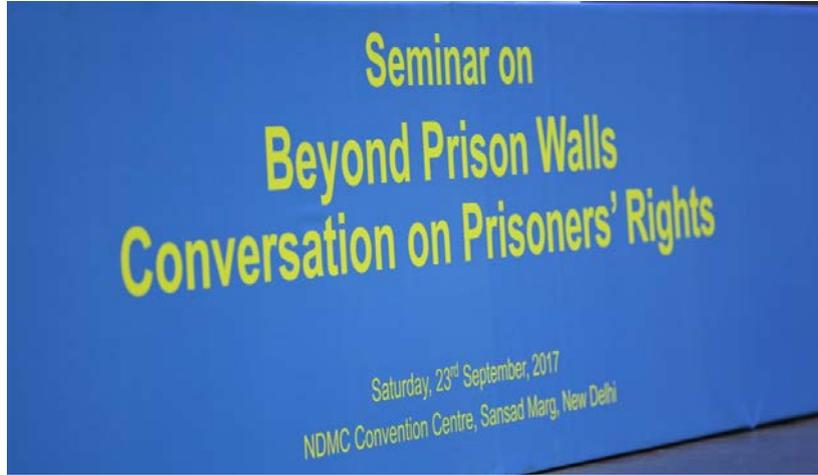
Delhi School of Social Work (DSSW), University of Delhi

**Agenda for 23 September 2017**

09:30 am - 10:00 am	Registration & Tea
10:00 am - 10:20 am	<p><b>Welcome Remarks</b></p> <p>Sh. Sudhir Yadav, Director General, Delhi Prisons          Sh. Sanjoy Hazarika, Director, Commonwealth Human Rights Initiative          Dr. Neera Agnimitra, Head of the Department, Delhi School of Social Work</p>
10:20 am - 11:00 am	<p><b>Inaugural Session</b></p> <p><b>Address by Sh. Manish Sisodia, Deputy Chief Minister, Government of Delhi</b>          - Need for a comprehensive rehabilitation policy</p> <p><b>Keynote Address by Dr. Justice B.S. Chauhan, Chairman, Law Commission of India</b> - Recommendations of the Law Commission of India's 268th report, 'Amendments to Criminal Procedure Code, 1973 - Provisions Relating to Bail'</p>
11:00 am - 12:45 pm	<p><b>Panel Discussion</b></p> <p><i>"Bail in its essence is a fine balance between the right to liberty of the person accused of an offence and the interests of society at large."</i> - Law Commission of India's 268<sup>th</sup> Report on Amendments to Criminal Procedure Code, 1973</p> <p><b>Stories from Prison</b> - Representatives of inmates narrating their experience of seeking bail</p> <p><b>Moderator: Ms. Maja Daruwala, Senior Advisor, CHRI</b></p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li>▪ A Legislator's Perspective by <b>Sr. Adv. Sh. K.T.S. Tulsi, Member of Parliament, Rajya Sabha</b>, on taking forward the recommendations</li> <li>▪ A Judge's Perspective by <b>Sh. Girish Kathpalia, District Judge (South East Delhi)</b>, on the present day law on bail vis-à-vis the ground realities</li> <li>▪ An Academic's Perspective by <b>Dr. Aparna Chandra, Professor NLU Delhi</b>, on the existing bail laws &amp; the recommendations of the Law Commission</li> <li>▪ A Police Officer's Perspective by <b>Ms. Suman Nalwa, DCP (Training), Delhi Police Training School</b>, on the police/prosecution practices in seeking remand and opposing bail</li> <li>▪ A Lawyer's Perspective by <b>Sr. Adv. Sh. S.S. Gandhi, Delhi High Court</b>, on the present day law on bail vis-à-vis the ground realities</li> </ul>

12:45 pm - 01:00 pm	Q&A Session
01:00 pm - 02:00 pm	Lunch
02:00 pm - 02:45 pm	<p><b>First Discussion - “Kya is raat ki subah hogi”: First Day in Prison</b>  <b>Moderator: Mr. Javed Ansari, Senior Journalist</b>  <b>Speakers -</b></p> <ul style="list-style-type: none"> <li>▪ Ms. Geetanjali Goel, Special Secretary, Delhi State Legal Services Authority</li> <li>▪ Mr. Sunil Gupta, former Legal Officer, Tihar</li> <li>▪ Mr. Harinder Singh, Superintendent, District Jail Jind</li> <li>▪ Dr. Ajay Dalal, former Resident Medical Officer, Tihar</li> <li>▪ Mr. Zakir Husain, Superintendent, Department of Social Welfare</li> <li>▪ Representatives of Inmates</li> </ul>
02:45 pm - 03:00 pm	Q&A Session
03:00 pm - 03:45 pm	<p><b>Second Discussion - “Hamara sangharsh yahan bhi”: Issues concerning women and children inside prisons</b>  <b>Moderator - Ms. Vartika Nanda, Head of the Department of Journalism, Lady Shri Ram College,</b>  <b>Speakers -</b></p> <ul style="list-style-type: none"> <li>▪ Ms. Anju Mangla, Superintendent, Tihar</li> <li>▪ Ms. Priyanka Yadav, Superintendent, Asha Jyoti Home &amp; Female Beggar Home, Department of Social Welfare</li> <li>▪ Adv. Anu Narula, Delhi High Court</li> <li>▪ Ms. Monica Dhawan, Director, India Vision Foundation</li> <li>▪ Prof. Mali Sawariya, Delhi School of Social Work</li> <li>▪ Representatives of Women inmates</li> </ul>
03:45 pm - 04:00 pm	Q&A Session
04:00 pm - 04:45 pm	<p><b>Third Discussion - “Ek Dusra Mauka”: Lack of opportunities after release &amp; addressing social stigma</b>  <b>Moderator: Mr. Satish Jacob, Senior Journalist</b></p> <ul style="list-style-type: none"> <li>▪ Dr. Jayadev Sarangi, Secretary (PR)/Director, Directorate of Information &amp; Publicity, Govt. of NCT of Delhi</li> <li>▪ Mr. Shailendra Kumar Parihar, DIG, Delhi Prisons</li> <li>▪ Dr. Manoj K. Jha, Professor, Delhi School of Social Work</li> <li>▪ Dr. Rajesh Kumar, Executive Director, Society for Promotion of Youth &amp; Masses</li> <li>▪ Sadhvi Jaya Bharti, Divya Jyoti Jagrati Sansthan</li> <li>▪ Released convicts</li> </ul>
04:45 pm - 05:00 pm	Q&A Session
05:00 pm - 05:30 pm	Tea Break
05:30 pm - 06:15 pm	<p><b>Valedictory Session</b>  <b>Address by Hon’ble Mr. Justice Madan B. Lokur, Supreme Court of India</b>  <b>Address by Hon’ble Ms. Justice Mukta Gupta, Delhi High Court</b>  <b>Address by Dr. Meeran C. Borwankar, Director General, Bureau of Police Research &amp; Development</b></p>
06:15 pm - 06:20 pm	Vote of Thanks

# BEHIND THE SCENES



## ABOUT THE ORGANISERS

### Tihar Prisons

Tihar Prisons is the largest complex of prisons in South Asia. Run by Department of Delhi Prisons, Government of Delhi, the prison contains nine central prisons, and is one of the three prison complexes in Delhi, along with a district prison at Rohini Prison Complex and Mandoli prison. The prison is styled as a correctional institution. Its main objective is to convert its inmates into ordinary members of society by providing them with useful skills, education, and respect for the law. It aims to improve the inmates' self-esteem and strengthen their desire to improve.

### Bureau of Police Research & Development

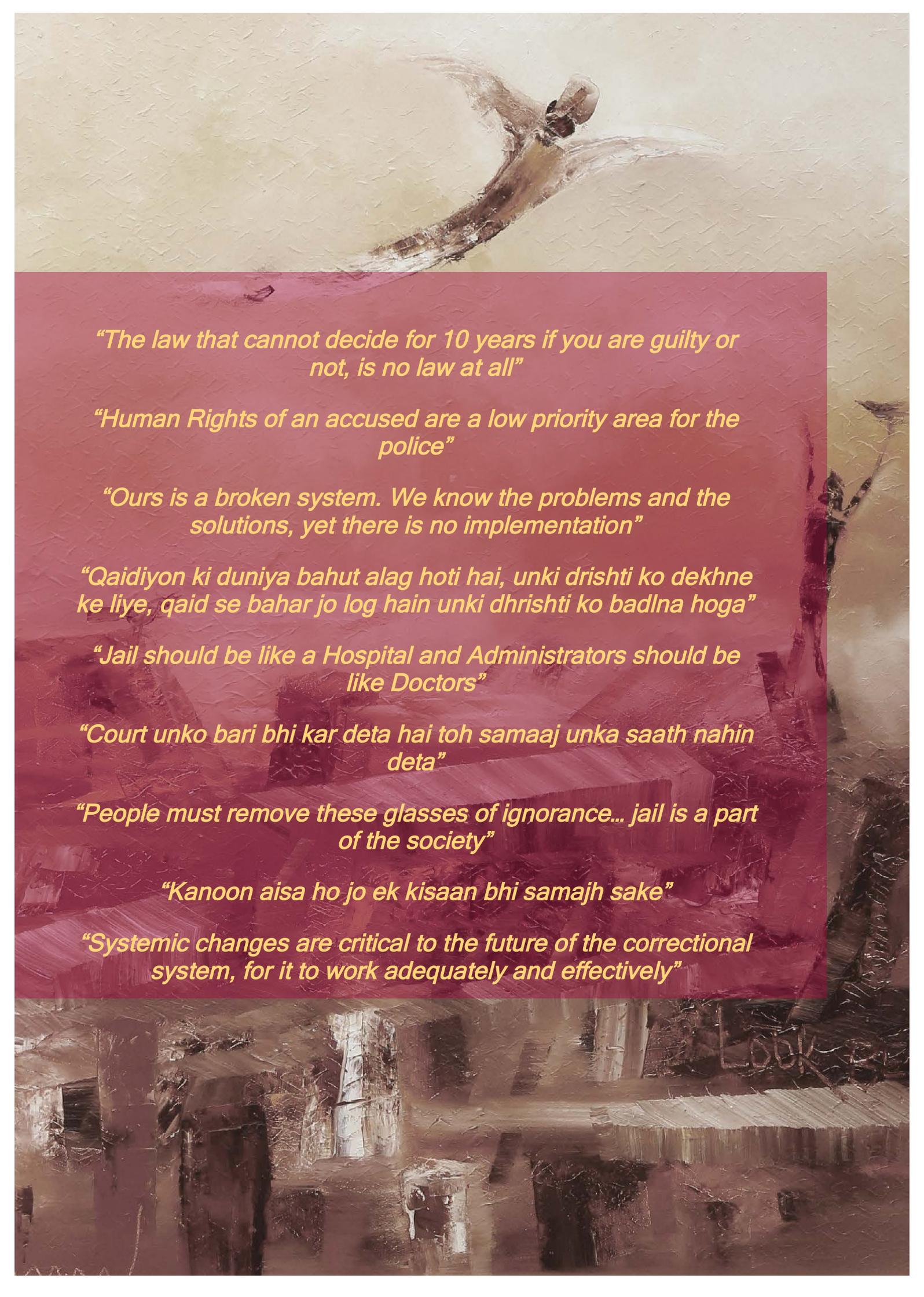
The Government of India established the Bureau of Police Research and Development (BPR&D), under the Ministry of Home Affairs with the primary objective of modernization of police force; to promote a speedy and systematic study of the police problems and to apply science and technology in the methods and techniques used by police. In 1995 Government of India decided to entrust issues relating to Correctional Administration to the BPR&D so that problems relating to prisons and implementation of deemed prison reforms can be taken up by the Bureau in a cohesive manner.

### Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, non-profit, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the commonwealth. CHRI's Prisons' Reform Programme aims to strengthen oversight mechanisms, improve prison conditions, reform prison management, enhance accountability and foster an attitude of cooperation between the various agencies of the criminal justice system in place of the prevailing indifference and discrimination. It seeks to achieve its goals through research, legal analysis and advice, advocacy, capacity building and network building.

### Delhi School of Social Work, University of Delhi

The Department of Social Work has been in the forefront of social work education for more than 60 years. It has earned itself a name as one among the pioneering institutes of social work within India. It undertakes to serve aspiring social work professionals by offering courses at the MA, M.Phil. and Ph.D. Programmes are designed to develop qualified professionals to work in the field of development and welfare. Students come across opportunities galore with regard to diversity of sites and experiences and also undergo periodic sensitization on contemporary socio-economic realities and developmental issues.



*“The law that cannot decide for 10 years if you are guilty or not, is no law at all”*

*“Human Rights of an accused are a low priority area for the police”*

*“Ours is a broken system. We know the problems and the solutions, yet there is no implementation”*

*“Qaidiyon ki duniya bahut alag hoti hai, unki drishti ko dekhne ke liye, qaid se bahar jo log hain unki dhrishti ko badlna hoga”*

*“Jail should be like a Hospital and Administrators should be like Doctors”*

*“Court unko bari bhi kar deta hai toh samaaj unka saath nahin deta”*

*“People must remove these glasses of ignorance... jail is a part of the society”*

*“Kanoon aisa ho jo ek kisaan bhi samajh sake”*

*“Systemic changes are critical to the future of the correctional system, for it to work adequately and effectively”*