

\$~12.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1482/2015

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. Dayan Krishnan, Senior Advocate (*Amicus Curiae*) with Mr. Neeraj Chaudhari (*Amicus Curiae*), Mr. Sanjeevi Seshadri, Mr. Sukrit Sethi, Mr. Shreedhar Kale & Mr. Akshay Chandra, Advocates.

versus

CENTRAL GOVERNMENT THROUGH SECRETARY,

MINISTRY OF HOME AFFAIRS & ORS

..... Respondents

Through: Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor, Mr. Yash Upadhyay, Mr. Madhav Bajaj & Ms. Kunjala Bhardwaj, Advocates for Respondent/ UOI.

Mr. Anuj Aggarwal, Additional Standing Counsel with Ms. Ayushi Bansal, Mr. Sanyam Suri & Ms. Arshya Singh, Advocates for Respondent/ GNCTD.

Mr. Naresh Kaushik, Advocate for Respondent No.7/ UPSC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

15.02.2023

%

1. 1. This Court, vide Order dated 06.02.2015 in CRL.REV.P. No.369/2008, while taking note of publications in the 07th December, 2014 edition of the Hindustan Times, captioned as “Loners, ‘Gandhi’, fusspots: VIPs spice up jails” and “Inside the world of celebrity prisoners” which highlighted the issue of certain prisoners being treated unequally than others and prison rules not being followed for certain prisoners who are being given preferential treatment, has directed for registration of the present petition in public interest.

2. Notices were issued to the Central Government through Secretary, Ministry of Home Affairs; Central Government through Secretary, Ministry of Law and Justice; and Central Jail, Tihar through Director General (Prisons). Mr. Dayan Krishnan, learned Senior Counsel, was appointed *Amicus Curiae* to assist this Court. Status Reports have been filed in the matter from time to time. The latest Status Report which has been filed by the State on 10.02.2023 reads as under:

“1. In compliance of order dated 07/09/2022 passed by Hon'ble High Court of Delhi in Writ Petition (Cr1.) No. 1482 of 2015 directing therein to file a report with regard to several issues and also about steps taken to ensure equal treatment and non discrimination to prisoners especially premised on gender.

2. That it is to submit that the prisoners are provided adequate bedding i.e. Dari, Blankets, Bed sheets (dasuti) to the prisoners. The Barracks / Cells are constructed in such a manner that it is over and above the ground level of the outside area of Ward with sufficient corridor. The provided material of beddings is no doubt used on the floor of the Barrack/Cell and till date no complaints have been reported by the inmates in this regard. It is pertinent to mention here

that those inmates who are undergoing medical treatment and are in need of any wooden bed (Takht) then he/she is provided immediately on the recommendation of the medical officer. It may be mentioned here that all the senior citizen inmates are provided with Takht. Further, each Dispensary has one Medical Inspection Room where 810 beds are available for convenience of the reported patient inmates. It is further submitted that there is a 240 bedded hospital including Drug De-Addiction Centre in Central Jail No.3, Tihar, to augment the necessary facilities to the needy patient inmates. It is pertinent to mention that the provision of Cemented Bed / Berth for all prisoners have been duly considered in the new Delhi Prison Rules 2018 in chapter no2 (going to be notified soon) and it will be ensured that in all new construction of jail, this facility is provided. However, it is ensured that each and every prisoner is provided with sufficient number of blankets & cotton dan/bed sheets to be used as cushioned bedding for sleeping protecting them from heat or cold as per the seasonal requirement. Every prisoner is bound to keep himself, his Ward and yards neat and clean. It is further submitted that each jail is visited by learned Jail Visiting Judge on almost within a month to see the grievances of the prisoners and for their amicable resolution.

3. That it is submitted that there is no discrimination among the prisoners in Delhi Prisons being meted out on the basis of gender, caste, creed, religion, social status, financial status, educational status, nationality etc.

4. That as male prisoners are busy in making Bakery items similarly female/women prisoners are occupied in business of making a variety of Namkeens, Sweets, pickles and their skills may help them earn their

livelihood after their release as such items are always in great demands. Further, the following facilities are extended to the women prisoners:-

Various Vocational Courses organized by Jail Administration with the help of NGOs

- Fashion designing classes • Painting Classes*
- Gems & Jewelry Hand Sketch designing classes*
- Paper Craft*
- Pickle making*
- Pottery making*
- Candle making*
- Namkeen Unit*
- Flower assembling unit • Fashion Jewelry (Artificial)*
- TJFM*
- Diya Painting*
- Mehndi Designing Classes*
- Beauty Parlour*
- Computer training*
- Weaving*

That women prisoners may also fetch good income by utilizing above professional skills learnt at the prison and therefore are not discriminated with male prisoners as far as to the extent of post release prospects.

That parole/furlough facilities are extended without any discrimination of gender. Just like establishment of Semi Open Jail for male prisoners, department is already under process to establish Semi Open Jail for the female/women prisoners which will provide free environment to live and work before their permanent release. Thus, there exists 'complete equality' promoting mental and physical well beings of both male and female prisoners.

5. That it is submitted that sentence is implemented strictly as per Delhi Prison Rules/Orders/Circulars. It is ensured that hard labour is allotted to every convict undergoing rigorous imprisonment irrespective of any discrimination. However, the factors like existing skill of a prisoner due to previous experiences in any trade/occupation etc. are taken into account while allotting them labour for getting better output. It may be mentioned here that the Sewadars/Labours are reshuffled at regular interval of time. Thus, the labours are offered to the convicts without discrimination/undue favor. Maximum labour is occupied in factories and jail kitchens where hard work is done by the deployed convicts. There is exclusive women prisons in Delhi (Central Jail No6, Tihar and Central Jail No.16, Mandoli) and therefore all such labours are performed by women prisoners also as performed by the male prisoners in their respective jails.

Further, labour is not allotted to the High Security / Dangerous prisoners and their lodging is rotated from one jail to another after an interval of every three to four months. Further, it is assured that labour to be allotted will also be proportionate to the severity of crime for which the convicts are convicted/ sentenced.

6. That it is submitted that new Delhi Prison Rules 2018 have been enforced w.e.f. 01/01/2019 The aspects observed by the Hon'ble Court have been duly considered and covered in the new Rules specifically in following chapters:

- (i) Chapter No6-- Maintenance of Prisoners
- (ii) Chapter No.7—Medical Care
- (iii) Chapter No.14—Education of Prisoners
- (iv) Chapter No.15—Vocational Training & Skill Development Programs

- (v) *Chapter No.16—Legal Aid*
- (vi) *Chapter No.17—Welfare of Prisoners*
- (vii) *Chapter No.18-- Maintenance of Prisoners*
- (viii) *Chapter No.26—Women Prisoners*
- (ix) *Chapter No.35—Differently able Prisoners*
- (x) *Chapter No.36—Mental Health of Prisoners*

In the new Prison Rules the concern of equality and human dignity are imperative. It may also be mentioned here that labour/vocational training in accordance to the changes in terms of development in the society have also been considered and best efforts are being made to reform/train the prisoners according to such needs in order to enable them to reintegrate with the society after their release from prison.”

3. A perusal of the Status Report shows that all the prisoners are being treated equally. It is stated in the Status Report that the prisoners are being provided with adequate bedding material and for elderly inmates wooden beds are being provided. It is also stated that those inmates who are undergoing medical treatment and are in need of wooden beds, are being provided with wooden beds on the recommendation of Medical Officer. It is further stated in the Status Report that there is no discrimination among the prisoners on the basis of gender, caste, creed, religion, social status, financial status, educational status or nationality, etc. and a number of vocational courses are being organized by the jail authorities with the help of NGOs to keep the prisoners occupied and to give them an opportunity to hone their skills so that they can earn their livelihood after being released from jail and thus, be rehabilitated in society. The Status Report also reveals that parole/furlough facilities are being extended to all the prisoners without any discrimination. It is further stated that semi-open jails have been

established for male prisoners and work is under progress to establish semi-open jail for the female prisoners as well to provide them a free environment to live and work before their permanent release. It is further stated that the sentence is implemented strictly as per Delhi Prison Rules/Orders/Circulars and it is ensured that hard labour is allotted to every convict undergoing rigorous imprisonment irrespective of any discrimination, however, factors like existing skill of a prisoner due to previous experiences in any trade/occupation etc. are taken into account while allotting them labour for getting better output.

4. This Court appreciates the efforts put in by Mr. Dayan Krishnan, learned Senior Advocate (*Amicus Curiae*) in assisting the Court.

5. In light of the aforesaid, this Court is of the opinion that no further directions are necessary in the instant Writ Petition.

6. Accordingly, the Writ Petition is disposed of along with the pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

FEBRUARY 15, 2023

Rahul