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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Reserved on: 19.12.2023***
Pronounced on: 22.12.2023+ **BAIL APPLN. 2093/2023 & CRL.M.A.17595/2023 (for physical production of the petitioner)**

MR. AMANDEEP SINGH DHALL Petitioner

Through: Mr. N. Hariharan, Sr.
Advocate along with Mr.
Tanveer Ahmed Mir, Mr.
Vaibhav Suri, Mr. Shashwat
Sarin and Ms. Ariana
Alhuwalia, Advocates

versus

DIRECTORATE OF ENFORCEMENT Respondent

Through: Mr. Zoheb Hossain, Special
Counsel for ED along with Mr.
Vivek Gurnani, Advocate+ **BAIL APPLN. 2229/2023 & CRL.M.(BAIL) 1200/2023,
CRL.M.A. 17355/2023 & CRL.M.A. 27884/2023**

AMANDEEP SINGH DHALL Petitioner

Through: Mr. N. Hariharan, Sr.
Advocate along with Mr.
Tanveer Ahmed Mir, Mr.
Vaibhav Suri, Mr. Shashwat
Sarin and Ms. Ariana
Alhuwalia, Advocates



versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Prakash Airan, Advocate
for CBI along with Mr. Rajiv
Kumar, Additional SP and Mr.
Alok Sahai, DSP-CBI.

CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

J U D G M E N T

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SWARANA KANTA SHARMA, J.

CRL.M.(BAIL) 1723/2023 (for interim bail) in BAIL APPLN. 2093/2023

CRL.M.(BAIL) 1724/2023 (for interim bail) in BAIL APPLN. 2229/2023

1. The instant applications under Sections 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('*Cr.P.C.*') read with Section 45 of the Prevention of Money Laundering Act, 2002 ('*PMLA Act*') has been filed on behalf of applicant seeking grant of interim bail in ECIR/HIU-II/14/2022 dated 22.08.2022, registered with ED, Delhi under Section 3 and 4 of PMLA and in RC003/2022/A/0053 dated 17.08.2022, registered at Police Station CBI, Anti-Corruption Branch Lodhi Road, Delhi, for a period of twelve weeks on medical grounds.

GRIEVANCE OF THE APPLICANT

2. The Grievance of the applicant, in a nutshell, is that the applicant is not being provided proper and appropriate treatment in terms of post-epidural care in the prison premises, and thus, the applicant seeks that he be released on interim bail, in order to get appropriate treatment from Indian Spinal Injuries Centre, Vasant Kunj, Delhi.

3. Mr. Tanveer Ahmed Mir, learned counsel for the applicant, states that the applicant was arrested in the **present case** on 01.03.2023 and has been incarcerated since then and is presently



lodged in Jail No.7, Tihar Jail, Delhi. It is stated that the applicant had preferred an appeal seeking extension of duration of medical examination and treatment at Indian Spinal Injuries Centre, Vasant Kunj, New Delhi which was dismissed by this Court *vide* order dated 17.11.2023 wherein this Court had directed the jail authorities to ensure that the applicant is provided with the treatment as prescribed by the doctors concerned. It is argued that the present interim bail application has been preferred owing to the lack of facilities at jail hospital for providing effective medical treatment to the applicant in terms of regular physiotherapy sessions as prescribed by the concerned doctor at Indian Spinal Injuries Centre, and lack of facility in jail hospital for administering epidural steroid injection/and other necessary procedures for C3-C4 joint of the applicant. It is argued that the applicant is required to be released on interim bail since effective and adequate medical treatment in terms of post epidural care is not being provided in the jail premises. It is submitted that pursuant to the order dated 17.11.2023 passed by this Court in the present case, the applicant was discharged from the Indian Spinal Injuries Centre on 20.11.2023. It is stated that as per the discharge summary of the applicant, he was evaluated and diagnosed as a case of C3-C4 herniated nucleus pulposus (Annular tear) and Right C6-C7 foraminal disc Osteophyte complex causing stenosis. The applicant had undergone C6-C7 transforaminal epidural steroid injection and Right C6-C7 facet joint block under local anaesthesia. The applicant was advised to continue medication and physiotherapy (IFT/ TENS/ Ultrasonic), as per symptoms. It is further submitted that the



applicant was advised by the concerned doctors to continue taking physiotherapy sessions, however, since 20.11.2023, no physiotherapy sessions have been provided by the concerned medical staff at the jail hospital despite the daily visits of the applicant to the OPD located within Jail No. 7, since the jail hospital does not have the requisite facilities where the applicant can get physiotherapy sessions. It is further stated that the concerned medical staff at Jail No. 7 has informed the applicant that he cannot be provided supervised physiotherapy sessions, which was being provided to the applicant at Indian Spinal Injuries Centre in terms of post-epidural care. The applicant has been further informed by the concerned medical staff at Jail that the jail medical facilities do not have equipments needed for specialized physiotherapy sessions, including IFT/ TENS/ Ultrasonic, which have been prescribed to the applicant. It is submitted that as per the current neurological condition of the applicant's cervical spine, the applicant cannot travel daily in the jail ambulance for physiotherapy sessions outside the jail premises, as that may lead to worsening of his neurological condition. It is submitted that if the applicant is not able to receive the necessary post-epidural care, as prescribed to him, after the painful and complex procedure of transforaminal epidural steroid injections, it may lead to worsening of the medical condition of the applicant which might also result in an urgent need of life-threatening surgery. It is also submitted that the facilities available in the jail where the present applicant is lodged are of a general nature, and are inadequate to monitor proper health of the applicant, who is suffering from multiple serious ailments. Thus,



it is argued that the jail premises itself is not equipped to provide special and intensive treatment and care that the applicant is in need of. In these circumstances, it is prayed that the applicant be enlarged on interim bail, on medical grounds, for a period of 12 weeks.

ARGUMENTS ADDRESSED ON BEHALF OF
DIRECTORATE OF ENFORCEMENT

4. Mr. Zoheb Hossain, learned Special Counsel for Directorate of Enforcement, vehemently opposes the present application seeking interim bail and argues that the applicant has been receiving appropriate medical care within the jail premises and does not require to be released on interim bail. Learned Special Counsel places his reliance on medical status report dated 16.12.2023 which has been issued by Medical Officer Incharge, Central Jail-07, Dispensary, Tihar, New Delhi whereby it has been mentioned that the inmate patient is being provided supervised physiotherapy once weekly, and has been advised to continue cervical isometric exercises and hot water fomentation alongwith medications. It is further argued that the present application has been moved on the basis of false averments as the applicant has been receiving appropriate medical care as has been advised by the doctors for his post-epidural care. It is further argued by learned Special Counsel that if the medical care provided in Central Jail-07 is not appropriate in the opinion of the applicant, then a request for shifting him to other jail where appropriate medical equipment for the physiotherapy session is available, can be



considered. Thus, it is prayed that the present application for interim bail on medical grounds be dismissed.

5. This Court has heard arguments addressed by the learned counsel for applicant and learned Special Counsel for Directorate of Enforcement and has perused the case file including the medical history of the applicant and previous orders of this Court.

ANALYSIS AND FINDINGS

i. The Sequence of Events

6. This Court had permitted the applicant to be admitted for specialized treatment in ILBS hospital, Delhi *vide* order dated 19.09.2023 after considering the medical history of the applicant, the advice of the doctor concerned and requirement for his further treatment. Thereafter, this Court had allowed the request of applicant to be admitted for further treatment at Indian Spinal Injuries Centre, Vasant Kunj, Delhi for a period of three weeks *vide* order dated 16.10.2023. The applicant had then moved an application for extension of the duration of medical treatment at Indian Spinal Injuries Centre, Vasant Kunj, Delhi, after which the medical condition of the applicant was verified from the concerned hospital and a medical report dated 06.11.2023 was prepared by Associate Director, Department of Spine Services, Indian Spinal Injuries Centre, Vasant Kunj, Delhi, which had opined the medical condition of the applicant to be stable. Thus, this Court, after considering the improvement in medical condition of the applicant, had dismissed the



application for extending the duration of medical treatment of the applicant at the concerned hospital. The relevant portion of the order dated 17.11.2023 of this Court reads as under:

“...6. The applicant, at this stage, is before this Court to press an application for extension of the duration of medical examination and his treatment at Indian Spinal Injuries Centre, Vasant Kunj, Delhi, in furtherance of order dated 16.10.2023 of this Court.

7. In the present case, the medical condition of the applicant and his valuable right to seek proper medical treatment was considered by this Court while granting him relief *vide* order dated 16.10.2023. Fortunately, the same has resulted into his medical condition improving as reflected in the report dated 06.11.2023.

8. This Court notes that the status of current medical condition of the applicant has been verified from the concerned hospital and a detailed medical report dated 06.11.2023 in this regard has been placed on record, which has been prepared by Associate Director, Department of Spine Services, Indian Spinal Injuries Centre, Vasant Kunj, Delhi. The said report opines that the medical condition of the applicant is now stable, and the relevant portion of this report reads as under:

“... As per direction given by Hon’ble High Court on 16.10.2023 patient Mr. Amandeep Singh Dhall, 50 years/male was admitted in this hospital on 18.10.2023 vide UHID No – 822201, IPD No. 90376 and treatment is being provided to him.

As per the available records documents received from you through email on 03.11.2023 are genuine and issued from our hospital on 31.10.2023 after written request from the patient.

Please find enclosed herewith verified copy of case summary, radiology investigation reports of patient Mr. Amandeep Singh Dhall as copies provided by you through email.

At present patient medically stable and is advised to continue medications and physiotherapy. Also want to inform you that physiotherapy can be managed at domicile premises by physiotherapist or he can come for physiotherapy on OPD basis...”

9. Thus, the medical report dated 06.11.2023 reveals that the further treatment of the present applicant does not necessitate his stay in the hospital and if required, he can come for physiotherapy in OPD. Further, it has also been categorically



opined by the doctor concerned that physiotherapy sessions can also be managed at domicile premises which at present in the case of applicant is the jail premises or jail hospital. Needless to say, the jail authorities shall ensure that the applicant is provided with the treatment as prescribed by the doctors concerned and the Jail Hospital Referral Policy, issued *vide* orders dated 10.02.2011 and 27.06.2022 by the office of Director General (Prisons), GNCTD is followed in letter and spirit.

10. Therefore, in view of the fact that the current medical condition of the applicant is stable and the same does not necessitate the stay of the applicant in the hospital, this Court is not inclined to allow the present applications since there are no grounds for extending the duration of medical examination and treatment of the applicant at Indian Spinal Injuries Centre, Vasant Kunj, Delhi.

11. Accordingly, the present applications stand dismissed.

12. A copy of this order be forwarded to concerned Jail Superintendent for information and compliance...”

7. Thus, this Court *vide* order dated 17.11.2023 had directed the jail authorities to ensure that the applicant is provided with the treatment, as prescribed by the doctors concerned, and as per the jail referral policy.

8. The applicant, at this stage, is before this Court to press an application for interim bail on the ground that the medical staff at the Jail Hospital is not being able to provide physiotherapy sessions and epidural steroid injection for C3-C4 joint which have been prescribed by his treating doctor. It has been argued by the learned counsel for the applicant that the jail medical facilities do not have equipments needed for specialized physiotherapy sessions, including IFT, TENS, and Ultrasonic Sessions, which have been prescribed to the applicant in terms of post epidural care after his surgery. It has also been argued that the applicant cannot travel daily in the jail ambulance to



another jail premises for the purpose of physiotherapy sessions nor can he travel outside jail premises, as that may lead to worsening of his neurological condition and may also lead to paralysis of his upper limb on account of vibrations and discomfort from such movements.

ii. Medical Condition of the Applicant

9. This Court after considering the grievance of the applicant had directed, *vide* order dated 14.12.2023, the Superintendent, Jail No. 7, Tihar Jail to submit an appropriate report to this Court verifying whether the Jail Hospital is equipped with the requisite facilities necessary for proper medical treatment of the applicant, as prescribed to him, by the Indian Spinal Injuries Centre, Vasant Kunj, Delhi where surgery was conducted upon him. The Jail Superintendent, Jail No. 7, Tihar Jail in compliance of the order dated 14.12.2023, has filed report which was prepared by the Medical Officer, in-charge of the jail. The relevant portion of the report reads as under:

“...The Inmate Patient submitted discharge summary dated 20/11/2023 from Indian Spinal Injuries Centre. (ANNEXURE-A1)

Multiple times the inmate patient visited the jail dispensary for the complaint of neck pain radiating to right upper limb for which he was advised to continue physiotherapy and medicines as advised at Indian Spinal Injuries Centre.

The Inmate patient was reviewed by jail visiting physiotherapist for his complaint of neck pain with pain in right arm and loss of sensation in right hand fingers wherein he was advised hot water fomentation as IFT and Ultrasonic were not available at CJ-07 dispensary. However, the same can be provided at different jail dispensaries in the prison complex or at higher centres as per jail referral policy. (ANNEXURE-A2)

Further the Inmate patient submitted an application for not sending him to any outside OPD as he was under serious



discomfort due to constant jerks/vibrations during transit to the outside hospital. (ANNEXURE-A3)

The Inmate patient is being provided supervised Physiotherapy once weekly (one session) and was advised continue cervical isometric exercises and hot water fomentation along with medications.

On 13/12/2023, the Inmate patient visited CJ-07 jail dispensary for the complaint of neck pain with pain in right arm and loss of sensation in right hand fingers and history of excessive sleep and dizziness with use of medication, prescribed at Indian Spinal Injuries Centre for which he was advised continue medicines like, tramadol and pregabalin on SOS only along with a review Ortho/Neurosurgery.

At present, the Inmate patient is examined wherein Blood Pressure, Pulse Rate, Blood Sugar, Spo2 are within normal limits. Despite medical treatment the Inmate patient complains of pain in cervical region with Radiculopathy in the right upper limb.

All the medicines are being provided him from jail dispensary. ”

10. Thus, the medical report dated 16.12.2023 reveals that the machines needed for the physiotherapy sessions of the applicant, i.e. IFT and ultrasonic machines are not available in Central Jail-07 dispensary. However, it has also been stated that the same can be provided at different jail dispensaries in the prison complex or at the higher centres as per Jail Referral Policy. A perusal of the report also reveals that the applicant had submitted an application for not sending him to any outside OPD as he was under serious discomfort due to constant jerks/vibrations during the transit to any hospital outside the prison.

11. This Court, after considering the medical history of the applicant and the medical status report filed on record, notes that the medical facility at the prison complex, at this stage, is not able to provide appropriate medical care which is required by the applicant



in terms of post-epidural care. The dispensary at Central Jail-07 does not have the required medical equipment required for physiotherapy sessions of the applicant. This Court also notes that the applicant, due to his medical condition which relates to his spine, cannot be taken to any outside hospital on OPD basis, as the constant jerks and vibrations may further aggravate his medical condition. This Court observes, based on the medical history of the applicant and medical report dated 16.12.2023, that the medical condition of the applicant is such that if the medical treatment as suggested to the applicant is not provided to him, the same may also lead to paralysis of his upper limb.

iii. Prisoner's Right To Health and Appropriate Medical Treatment

12. Every prison inmate, regardless of the fact that such person is an accused or convict, possesses an inherent right to life and humane treatment. This includes the right to receive medical care that addresses his health needs and prevents unnecessary suffering. To neglect the medical well-being of prisoners is to deny them a fundamental right to life.

13. Incarceration does not deprive individuals of their fundamental right to life which includes right to appropriate health care. Prisoners, like all members of society, may face various health issues, both pre-existing and emergent during incarceration. Denying them access to necessary medical care not only deteriorates their health conditions but can lead to



preventable suffering and, in extreme cases, loss of life. This neglect not only undermines the principles of justice but also challenges the moral foundation of a society that values the dignity and worth of every human being even if, he is a prisoner.

14. In *State of Andhra Pradesh v. Challa Ramkrishna Reddy* (2000) 5 SCC 712, it was held by the Hon'ble Supreme Court that right to life enshrined under Article 21 of Indian Constitution is guaranteed to every person, including a prisoner, whether a convict, an under trial or a detenu. The relevant observations are as under:

“22. Right to Life is one of the basic human rights. It is guaranteed to every person by Article 21 of the Constitution and not even the State has the authority to violate that Right. A prisoner, be he a convict or under-trial or a detenu, does not cease to be a human being. Even when lodged in the jail, he continues to enjoy all his Fundamental Rights including the Right to Life guaranteed to him under the Constitution. On being convicted of crime and deprived of their liberty in accordance with the procedure established by law, prisoners still retain the residue of constitutional rights.

24. Thus, according to the definition under the Prisoners Act, there is a convict, there is an under- trial and there is a civil prisoner who may be a detenu under preventive detention law. None of the three categories of prisoners lose their Fundamental Rights on being placed inside a prison. The restriction placed on their right to movement is the result of their conviction or involvement in crime. Thus, a person (prisoner) is deprived of his personal liberty in accordance with the procedure established by law which, as pointed out in *Maneka Gandhi vs. Union of India*, (1978) 1 SCC 248 = 1978 (2) SCR 621 = AIR 1978 SC 597, must be reasonable, fair and just.

27. In *Francis Coralie Mullin vs. The Administrator, Union Territory of Delhi*, (1981) 1 SCC 608 = AIR 1981 SC 746 = 1981 (2) SCR 516, the Court held that Right to Life means the right to live with basic human dignity.....



28. Thus, the Fundamental Rights, which also include basic human rights, continue to be available to a prisoner and those rights cannot be defeated by pleading the old and archaic defence of immunity in respect of sovereign acts which has been rejected several times by this Court...”

(Emphasis supplied)

15. In essence, recognizing and upholding the right to adequate medical health care for prisoners is not just a legal obligation but a reflection of a society's commitment to human rights, compassion, and equal treatment of all individuals, even in the challenging context of incarceration.

iv. Public Perception of Preferential Treatment

16. It is a common public perception that affluent individuals who find themselves incarcerated receive **preferential treatment**, including access to luxurious hospital facilities. However, it is crucial to dispel this misconception and highlight the fact that the provision of medical care within the criminal justice system is not determined by one's economic status. Every inmate, regardless of his financial standing, is entitled to receive basic medical care, a fundamental human right that transcends socio-economic disparities.

17. In a just and equitable legal system, the principle of equality before the law is paramount. This means that every individual, regardless of their wealth or social status, is subject to the same legal standards and protections. The right to medical health care is intrinsic to this principle, ensuring that no inmate is denied basic healthcare services solely based on their financial resources. It is essential to recognize that, in the eyes of the law, every prison inmate is equal



and possesses the basic human right to receive adequate medical care, reinforcing the foundational principles of a legal system which is not only just but also humane.

v. Lack of Appropriate Medical Treatment Facilities In Delhi Prisons

18. The present case brings to light a critical issue concerning the standard of medical treatment within correctional facilities, shedding light on the alarming inadequacies in the healthcare infrastructure for prison inmates.

19. The report submitted by the prison dispensary in the present case points to a distressing reality– the lack of a proper medical care facilities, i.e. physiotherapy equipments. The absence of these essential equipments not only signify lack of adequate medical infrastructure in the prisons, but also the direct repercussion of the same on the health of the inmates requiring physiotherapy etc.

20. In this Court's opinion, in cases of a convicted prisoner, contracting a disease or his health deteriorating and him being not extended health care is not part of his sentence. Similarly, in case of under trial prisoners, this fact becomes even more significant as some of the under trials may be suffering from serious diseases or may contract or suffer from serious diseases which may have the potential of being fatal or potentially disabling. This has led this Court to consider that the basic right of a citizen while being incarcerated to health care is not obliterated or surrendered to the State. Prisoners are human beings too and they retain some undeniable human rights



which have to be acknowledged by every Court of law and the State. Respect for, and the resolute of the Court's to unfalteringly uphold the human rights of the prisoners as a constitutional Court has traditionally been in India evidenced in the various judgments of the Apex Court and this Court.

21. It is important to recognize that the responsibility for ensuring the well-being of individuals in judicial custody lies squarely with the State Government. Prisons, as custodial institutions, must provide not only security but also essential medical facilities to meet the healthcare needs of inmates. It is also the duty of the State to ensure and monitor not only the conditions of the prisoners in general, but also their health issues and the health facilities provided in the prisons.

22. Health care is a critical issue for the prisoners as they cannot look after themselves for the reason of their detention, therefore, it is the responsibility of the State to provide for adequate health services to the prisoners equivalent to that available to the free population.

23. Unfortunately, in the present case, as per report of the Medical Officer Incharge, Central Jail-07, Dispensary, Tihar, New Delhi, the machines required for the physiotherapy sessions of the applicant were not in working order. The prison population which includes vulnerable groups in terms of health conditions needs to be taken into account and adequate health facilities should be provided inside the jail as due to various reasons, the under trials have to remain within confines of the jail. Inadequate access to medication and health care



or delays in providing timely medical interventions may, at times, have permanent devastating effect on prisoners health.

24. The Courts cannot allow inadequate prison health care system to violate a prisoner's right to timely and adequate medical health care. Preserving the health of the prisoners would require a mechanism to monitor and promote the health care system available in the prisons. In face of increased health vulnerabilities, many prisoners have heightened risk of permanent damage to their bodies. In this regard, it became important for this Court to review the protection and legal obligations of the State to provide high, however, attainable standard of health care, which is part of right to life.

25. At the same time, this Court also acknowledges that it is not possible for the jail authorities through the State, to have every kind of advanced medical equipment in the jail medical set up to meet the requirements of some prisoners, who may require special treatment for the diseases they suffer from. For this reason, this Court has directed that a high, however attainable standard of health care which is part of right to life be ensured within the confines of the prison to the prisoners who depend on the State for health care.

26. This Court also reiterates that there can be no distinction between rich and poor in terms of finances for the purpose of providing them medical facilities and the prisoners in case of special needs will have to be first referred to the referral hospitals as per jail referral policy and in case, such treatment as required or recommended for them is not adequate or available in those hospitals,



they can be allowed by the order of a Court to be treated at a hospital where the treatment required by them is available, thus, ensuring that their health is not compromised with.

CONCLUSION

i. The Decision

27. At this stage, this Court notes that the medical facilities available at the jail dispensary is not able to provide the medical treatment which is required by the applicant, as advised by the doctors concerned in terms of post-epidural care after his spinal surgery. Thus, considering that at this stage, no immediate arrangement can be made by the jail dispensary for ensuring appropriate medical care. of the applicant, this Court deems it fit, for the purpose of ensuring that a balance is struck between the right of the prisoners to appropriate medical care and the right of the State to ensure rule of law, to allow the request of applicant to get the required physiotherapy treatment at the Safdarjung Hospital, Delhi. In case, the required medical care is not available at Safdarjung Hospital, Delhi, the applicant may move a fresh application before this Court for being treated at Indian Spinal Injuries Centre, Vasant Kunj, Delhi.

28. This Court issues the following directions *qua* the prayer of the petitioner:

- a) The applicant be admitted to Safdarjung Hospital, Delhi, which is also a referral hospital as per Jail Referral Policy, Delhi for a



- period of two weeks, within two days of receipt of this order. However, the applicant shall continue to be in the custody of Superintendent of Jail concerned, and the Jail Superintendent concerned shall ensure that appropriate and adequate security is provided/deputed in the hospital since the accused will continue to remain in judicial custody though under treatment in the hospital.
- b) The Jail Superintendent concerned shall make arrangement to shift the applicant in an ambulance to the said Hospital.
 - c) The Medical Superintendent of Safdarjung Hospital, Delhi will constitute a medical board which will furnish a weekly report to this Court regarding the medical status of the applicant and the need to continue treatment or hospitalization and also provide a copy of the same to the Enforcement Directorate and Central Bureau of Investigation.
 - d) It is also ordered that the entire expenses of medical treatment, hospitalization, security, and other incidental expenses incurred on the treatment shall be borne by the applicant.
 - e) During hospitalisation, the wife and children of the applicant are permitted to meet him between 11 AM to 12 PM and between 4 PM to 5 PM subject to the meeting hours and applicable rules of the hospital. The mother of the applicant Smt. Simrit Dhall will be permitted to meet the applicant daily during the prescribed meeting hours of the hospital. The sisters of applicant i.e. Smt. Simer Dhall and Smt. Komal Singh Dhall will be permitted to



meet the applicant on alternative days during the meeting hours of the hospital.

- f) The concerned Superintendent Jail shall ensure that the meeting schedule so mentioned above will be strictly adhered to.
- g) The applicant shall not be allowed to use phone.
- h) The family members of applicant may provide him home-cooked food, if so allowed by the doctor concerned.
- i) The family members of the applicant shall not be allowed to carry phone with them, while meeting the applicant.
- j) The learned counsel for the applicant will be allowed legal interview with the applicant, as per jail manual and rules.

ii. Directions to the Government of NCT of Delhi

29. This case serves as a reminder that the quality of medical care within correctional facilities must be held to high standards, with a focus on the well-being and rehabilitation of inmates. The State Government has a moral and legal obligation to ensure that the healthcare needs of inmates are met with the same diligence and commitment as any other citizen.

30. This Court observes that Government of NCT of Delhi is responsible for the management and maintenance of the prison premises. Since, it is crucial to have appropriate medical care system in the prisons which meets the requirements of the inmate patients, **thus, the following directions are being issued to the Government of NCT of Delhi by this Court:**



- a) This Court directs the Secretary (Home), Government of NCT of Delhi, and Secretary, Health and Family Welfare, Government of NCT of Delhi to ensure that the health care requirements of the prison inmates are met and adequate medical infrastructure in the jail premises is maintained for ensuring right of prisoners to appropriate medical care.
- b) This Court further directs the concerned doctors Incharge of respective Jail Dispensaries to furnish the list of requirements of adequate medical equipment which is essential for the medical care of the prison inmates, to the concerned Chief Medical Officers.
- c) The Chief Medical Officers of all the prisons will submit a **weekly report** to the Director General, Prisons, who will communicate this report to the Jail Visiting Judicial Officer/Judge concerned regarding **inadequacies** or urgent requirements in their respective jail hospital/dispensary including the working or non-working condition of the machines and medical equipment and availability of medicines, etc.
- d) The **weekly report** prepared by the Chief Medical Officers of all the prisons will also be sent to Secretary (Home), Government of NCT of Delhi, and Secretary, Health and Family Welfare, Government of NCT of Delhi. The issues so pointed out in the report mentioned above, will be addressed and the **necessary supplies, equipments, medicines will be ensured to be provided within two days**. The machines/medical equipment if



- not in order, will be repaired or a substitute will be provided immediately by the State.
- e) The **Secretary, Health and Family Welfare, Government of NCT of Delhi** will **constitute a Committee** which apart from him will include the following:
- i. Director General (Prisons)
 - ii. The CMO of the Delhi Prisons
 - iii. Two senior Jail Visiting Judges of the District Courts to be nominated by the Principal District & Sessions Judge (Central District),
 - iv. The Secretary, DSLSA
 - v. Sh. Sanjay Dewan, Advocate
 - vi. Ms. Gayatri Puri, Advocate
- f) The above committed will give suggestions, **regarding improving the health care facilities in the prisons and ways to promote equal health care to all prisoners**, within a period of one month to this Court.
- g) The committee will also **specifically inform the Court as to whether facilities are available in the jail hospital to deal with emergency situations such as cardiac arrest, hemorrhages etc. as the first few minutes in such eventuality are crucial to save life of a person.**
31. Accordingly, the present applications stand disposed of in view of the above.
32. Copy of this judgment be forwarded to (i) Secretary (Home), Government of NCT of Delhi, (ii) Secretary, Health and Family



Welfare, Government of NCT of Delhi, (iii) Director General (Prisons), (iv) Secretary, DSLSA, (v) Superintendents of all prisons in Delhi, and (vi) Chief Medical Officer of prisons in Delhi.

33. Copy of this order be also sent to the concerned Superintendent jail wherein the present applicant is presently lodged for compliance of the order.

34. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

DECEMBER 22, 2023/zp