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

Date of Decision: 5th May, 2021

+ **W.P.(C) 2087/2021**

NATASHA NARWAL & ANR. Petitioners

Through: Mr. Adit S. Pujari, Ms. Tusharika Mattoo, Mr. Kunal Negi, Ms. Kajal Dalal & Mr. Chaitanya Sundriyal, Advocates.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Gautam Narayan, ASC and Ms. Ritika Vohra, Advocate for GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through video conferencing. The present petition has been filed by the Petitioners, who are under-trial prisoners, currently locked in the Central Jail-6 Tihar, seeking certain directions for provision of certain facilities in the jail. Vide last order dated 3rd May 2021, this court had issued directions to the 1d. Counsel appearing for GNCTD to seek instructions on certain additional issues which were raised by the Petitioners in CM APPL. 15720/2021, which was taken on record on the said date. The said issues concerned tele-calling facilities, vaccination facilities for inmates in CJ-6, Tihar Jail as well as the facility for *e-mulaqaats*, amongst others.

2. Pursuance of the last order dated 3rd May, 2021, Mr. Narayan, 1d. Counsel for GNCTD has sought instructions on the issues of tele-calling

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facilities in the jail, vaccination of inmates, as also *e-mulaqaats*, monthly calling charges and intermingling issues.

3. Both parties have made their submissions on these issues today. After hearing ld. Counsels appearing for the parties, the following directions are issued:

i) Tele-calling Facilities

4. Currently, as per the submissions made, there are three types of wards: one is the recovery ward, one is the isolation ward and the third is COVID-19 positive quarantine ward, respectively housing 18 inmates, 21 inmates and 9 inmates. The calling facilities are stated to have been activated in all these wards with effect from 4th May, 2021.

5. In view thereof, insofar as the activation of calling facilities is concerned, no further direction needs to be issued, except for the fact that the said calling facilities would be continued.

6. However, there is a further issue that has been raised in this petition, as to the inmates who can make these calls, and to the kind of numbers which the said calls are allowed to be made to.

7. Firstly, it is submitted that the daily calling facilities are only available to those inmates who have verified their biometric data and also have submitted various documents in respect of the postpaid number, the address and the bill, of the person, to whom the call is to be made. It is further submitted that the daily calling facilities are available only to numbers which are postpaid, and not to prepaid numbers. This requirement was suspended during the first wave of the COVID-19 pandemic, as a large number of relatives of the inmates do not have postpaid facilities and only have prepaid connections.

8. Considering this fact and the current situation of the pandemic, where a large number of families seem to be affected, the daily calling facilities would henceforth be extended, during the current second wave of the COVID-19 pandemic, even to prepaid numbers so long as the number to which the said call being made is verified, and the person who is receiving the call is verified in some manner, to be a close relative of the inmate concerned.

9. Further, insofar as the inmates in recovery/isolation/COVID-19 positive wards are concerned, daily calling would be permitted for a maximum of 5 minutes for these inmates, considering that they would wish to update their family members as to their medical condition.

10. The directions to this effect are issued to the Jail Superintendent, CJ-6, Tihar Jail, to make the same operational within the next 2-3 days.

ii) Vaccination of inmates

11. On the issue of vaccination, insofar as the inmates who are 45+ years of age are concerned, there are a total of 136 inmates for whom vaccines are already stated to have been received by the Jail Superintendent. Out of them only 12 inmates have already been vaccinated. However, the impediments in the administration of vaccination appear to be due to various factors such as hesitance in the inmates to get vaccinated, non-availability of identity cards such as Aadhar Card, PAN Card, and the non-availability of a mobile number which is to be put in the CoWIN portal.

12. Considering that for inmates who are 45+ years of age, vaccines are already available and are with the Jail Superintendent, it is directed that proper counselling shall be done for these inmates, and they would be encouraged to obtain vaccination, at the earliest.

13. Considering the density of occupancy in jail premises, vaccination is almost a necessity for all inmates. If an identity card, in the form of an Aadhar card or a PAN card is not available, the Prison ID number may be used as the identification number, for being put on the concerned portal/App. Insofar as the mobile number is concerned, if the inmate himself or herself does not have a mobile number, he or she is permitted to use the mobile number of a close relative, like a parent or a sibling or child, for the purpose of registration for the vaccine.

14. The Prison Authorities have assured this Court that all the 136 inmates, who are 45+ years of age, would be vaccinated by 31st May, 2021.

15. Insofar as the 18 - 44 age group of inmates are concerned, there are a total of 279 inmates. Currently, the Jail Superintendent has not received vaccines for the said group.

16. Accordingly, let a request be made by the Jail Superintendent within a period of 48 hours to the Disaster Management Office (West) which shall be forwarded to the Ministry of Home Affairs. The request of the Jail Superintendent shall be considered expeditiously, and the requisite vaccines shall be supplied within a period of 15-30 days, for the purpose of vaccination of the said group of 279 inmates who belong to the 18-44 age group.

17. If there is any impediment in respect of the same, an appropriate application may be moved by the Jail Authorities before the court.

iii) E-Mulaqaats

18. Insofar as *E-mulaqaats* are concerned, the physical mulaqaats earlier were for half an hour per week. However, *E-mulaqaats* are being permitted only once for 15 minutes, every ten days.

19. Considering the current pandemic situation, there could be relatives and family members of the inmates, who may wish to be in touch with the inmates. Accordingly, *e-mulaqaats* for at least half an hour, each week, would be permitted by the Jail Authorities, to all the inmates.

iv) Monthly calling charges and intermingling issues

20. Insofar as the monthly calling charges are concerned, Mr. Gautam Narayan, Id. ASC, informs the Court that the same has been waived until 31st May, 2021. It is also submitted that further intermingling of the isolated/recovering COVID-19 positive patient is being completely avoided, and separate water facilities and other common facilities are being made available through dedicated staff to the recovery, COVID positive and isolation wards. The said submissions are taken on record.

21. Insofar as the remaining issues captured in the order dated 3rd May, 2021 are concerned, the same would be taken up on the next date of hearing i.e., 24th May, 2021. On the said next date, the Jail Superintendent shall arrange for video-conferencing facilities so that the Petitioners can join the Court from jail, if they are in custody.

22. List on 24th May 2021.

PRATHIBA M. SINGH
JUDGE

MAY 5, 2021

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