

ITEM NO.301 Court 4 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(IA No. 88960/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 100079/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 96264/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 57580/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 152952/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 145094/2021 - IMPLEADMENT, IA No. 100070/2021 - IMPLEADMENT, IA No. 96157/2021 - IMPLEADMENT, IA No. 57581/2021 - IMPLEADMENT, IA No. 153005/2021 - IMPLEADMENT, IA No. 47525/2021 - IMPLEADMENT)

WITH

SLP(Cr1) No. 5978-5979/2017 (II-C)

(IA No. 135050/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 83599/2020 - CLARIFICATION/DIRECTION, IA No. 72200/2018 - CLARIFICATION/DIRECTION, IA No. 72138/2018 - INTERVENTION APPLICATION, IA No. 72189/2018 - INTERVENTION/IMPLEADMENT)

Date : 27-01-2022 These applications were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

Mr. Pawanshree Agrawal, Adv. (A.C.)
Mr. Varun K. Chopra, Adv.

For Appellant(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Haresh Jagtiani, Sr. Adv.
Mr. Vishal Gosain, Adv.
Mr. Anuroop Chakravarti, Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Neeha Nagpal, Adv.
Mr. Samten Doma, Adv.

Mr. N. Venkataraman, ASG
Ms. Anubha Agrawal, AOR

Mr. Deepak Goel, AOR

For Respondent(s) Mr. N. Venkataraman, ASG
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Ms. Madhavi Divan, ASG
Mr. K.M. Nataraj, ASG
Ms. Shradha Deshmukh, Adv.
Ms. Suhashini Sen, Adv.
Mr. M.K. Maroria, AOR
Ms. Chinmayee Chandra, Adv.
Mr. Siddhant Kohli, Adv.
Mr. Rajan Kr Chourasia, Adv.
Mr. Prashant Singh B, Adv.
Mr. Amrish Kumar, Adv.
Mr. Ayush Puri, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Nidhi Khanna, Adv.
Ms. Praveena Gautam, Adv.
Mr. Shekhar Vyas, Adv.
Mr. Santosh Kumar, Adv.
Mr. Sughosh Subramanyam, Adv.
Mr. Ankur Talwar, Adv.
Ms. Vaishali Verma, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. T.A. Khan, Adv.
Mr. Anish Kr. Gupta, Adv.

Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Aman Raj Gandhi, AOR
Mr. Parthasarathy Bose, Adv.
Mr. D.M. Rajesh, Adv.
Mr. Aditya Ladha, Adv.
Mr. Rohan, Adv.

Mr. Sajan Poovayya, Sr. Adv.
Mr. Vikram Hegde, Adv.
Mr. Shantanu Lakhotia, Adv.
Ms. Hima Lawrence, AOR
Mr. Pratibhanu Kharola, Adv.
Mr. Sharan Balakrishna, Adv.

Mr. Vinay Navare, Sr. Adv.
Mr. Abhishek Aggarwal, Adv.
Mr. Parth Davar, Adv.
Mr. Ravi Panwar, AOR

Mr. Nikhil Nayyar, Sr. Adv.
Ms. Pritha Srikumar, AOR
Mr. Naveen Hegde, Adv.
Ms. Mansi Binjrajka, Adv.

Mr. Anil Grover, Sr. AAG
Mr. Ajay Bansal, AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.

Mr. Sanjay Kumar Visen, AOR
Mr. Bhanwar Jadon, Adv
Mr. Satish Kumar, Adv.
Ms. Babita Mishra, Adv.
Ms. Adira A Nair, Adv.
Mr. Amit Gupta, Adv.
Mr. Gaurav Yadava, Adv.
Ms. Veena Bansal, Adv.

Ms. Jaikriti S. Jadeja, AOR

Ms. Malvika Kapila, Adv.
Ms. Swarupama Chaturvedi, AOR

Ms. Tanwangi Shukla, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Abhay Singh, Adv.
Ms. Ankita Agarwal, Adv.
Mr. Kaustubh Shukla, AOR
Ms. Aditi Gupta, Adv.

Mr. Brijesh Kumar Tamber, AOR
Mr. Yashu Rustagi, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 An affidavit of compliance has been filed on behalf of the Union Ministry of Home Affairs¹ purporting to set out the steps which have been taken to comply with the report which was submitted by the Commissioner of Police², Delhi for upgrading the security at Tihar Jail in order to obviate incidents such as the one which has been noticed by the Court in the present case. The affidavit filed by MHA relies on the contents of the Model Prison Manual. The MHA has stated that the recommendations which have been made in the report submitted by the CP are worthy of acceptance and should be implemented. The issue is how they should be implemented and whether any steps have been taken in that regard.

1 "MHA"

2 "CP"

2 Adequate steps are yet to be taken to implement the recommendations of the CP despite the previous directions of this Court.

3 As an instance, three specific issues can be adverted to:

(i) Installation of Cell Phone Jammers:

In paragraph 38.21 of the response which has been provided by the DG, Prisons, it has been stated that a Committee of Experts formed by the Secretary Security, Cabinet Secretariat recommended that Dominant Tower Technology or T-HCBS be used to block mobile signals in jail complexes. On an experimental basis, the technology was put to use in Mandoli Jail Complex in January 2020 and three dominant towers have been erected in Tihar Complex. It has been stated that the results of these towers have been good, but, regular monitoring is required by the Telecom Service Providers (TSPs). The Department of Telecommunication has proposed a draft SOP which is under consideration of the Secretary Security.

(ii) Full Body X-ray Scanners:

Delhi Prisons is stated to be in the process of floating tenders for purchasing two X-ray Based Full Body Scanners and an NOC has been obtained from AERB.

(iii) Installation of CCTV Cameras:

On this aspect, it has been stated that 7000 CCTVs cameras have been installed in sixteen jails, recording thirty days' movements. There are two central control rooms, one at Tihar Prison Headquarters and one at Mandoli Headquarters.

- 4 The MHA, in its affidavit, has stated that 'prisons' are a State subject and, hence, directions have been issued to the Delhi Government to ensure compliance. Ms Madhavi Divan, Additional Solicitor General, has read through the contents of the affidavit and has submitted that it is now for the Delhi Government to take necessary steps.
- 5 From the submissions which have been urged before the Court, it emerges that the DG, Prisons is an official sent on deputation from Delhi Police. The Superintendents of Police of Tihar Jail are, generally speaking, officers drawn from the DANIC Cadre. Mr K M Nataraj, Additional Solicitor General appearing on behalf of Delhi Police, states that though the DG, Prisons is an officer on deputation from Delhi Police, decisions have to be taken by the Delhi Government. Counsel appearing on behalf of the Delhi Government is absent during the course of the hearing.
- 6 In this backdrop, the shifting of responsibility between MHA, the DG, Prisons and the Delhi Government, has to be redressed by effective coordination and expeditious decision making. The report of the CP will gather dust unless effective steps are taken to implement it.
- 7 We accordingly direct that, within a period of one week from today, a meeting shall be convened between:
- (i) A Secretary level officer of MHA;
 - (ii) The DG, Prisons at Tihar Jail; and
 - (iii) The Chief Secretary, Government of NCT.

- 8 The Commissioner of Police shall attend the meeting as an invitee since the recommendations which have been contained in his report are to be duly implemented.
- 9 A meeting shall be held, within a period of a week. Concrete decisions towards implementing the report of the CP shall be taken and a joint report shall be filed on affidavit indicating the manner in which implementation would be carried out providing time lines, the steps which shall be taken and assigning responsibility for compliance. Once a commitment is made to the Court, we shall enforce compliance scrupulously.
- 10 A joint affidavit prepared by the three officers named above shall be submitted before this Court.
- 11 List the matters for this purpose on 17 February 2022 at 3.00 pm.

Civil Appeal No 10856/2016 and SLP(Crl) Nos 5978-5979/2017

List the following applications on 3 February 2022 at 2 pm:

- (i) IA Nos 88960/2020 & 47525/2021 (M/s Devas Global)
- (ii) IA No. 135050/2021 - Application for directions on behalf of the first and second petitioners and IA 5431 and 5432 of 2022 - applications for impleadment and directions.
- (iii) IA Nos 57580/2021 & 57581/2021 (APIIC)
- (iv) IA Nos 83599/2020, 72200/2018, 72138/2018 & 72189/2018 in SLP (Crl) Nos 5978-5979/2017 (Wisdom World Developers)
- (v) IA Nos 96264 & 96157 of 2021, 100079 & 100070 of 2021 and 152952 & 153005 of 2021 (IAs of contractors)

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER