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

+ W.P.(C) 16679/2022

DELHI HIGH COURT LEGAL SERVICES COMMITTEE

..... Petitioner

Through: Dr. Amit George, Adv.

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Through: Mr. Santosh Kumar Tripathi, SC,
GNCTD with Mr. Arun Panwar, Mr.
Kartik Sharma, Mr. Rishabh
Srivastava and Ms. Prashansa
Sharma, Advocates.
Mr. Tushar Sannu, SC, MCD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.08.2023

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1. This Public Interest Litigation (PIL) is brought before us by the Delhi High Court Legal Services Committee (DHCLSC). It addresses the pressing issue of supply of clean drinking water and maintaining hygienic sanitary conditions within the Tihar Jail Complex.

2. The Petitioner draws our attention to a concerning report, stemming from an inspection conducted by a Panel counsel. The investigation underscores a worrying deficiency in providing inmates with drinking water

in the Tihar Jail Complex. Additionally, the sanitary conditions are described as less than satisfactory. The state of washrooms/toilets is particularly concerning – many are in disrepair, and even the basic privacy of inmates is compromised due to broken doors, hampering their ability to maintain personal hygiene in private.

3. On 17th April 2023, the representative for the Government of NCT of Delhi updated the court that initiatives to enhance the basic amenities in Tihar Jail are underway, evidenced by the recent issuance of a work order.

4. Contrary to the government's assertion, Dr. Amit George the counsel for DHCLSC submits a starkly different picture. He argues that they have been inundated with complaints from Tihar Jail inmates, who claim an alarming scarcity of basic necessities like clean drinking water and proper sanitation facilities. Supporting this claim, he insists that there has been no discernible improvement in the living conditions within Tihar Jail.

5. The report and accompanying photographs clearly reveals that inmates are bereft of essential amenities, including safe drinking water and functional toilets. Rule No. 425 of the Delhi Prison Rules, 2018, mandates that every inmate should have uninterrupted access to fresh drinking water at all times. These rules emphasize the importance of not only providing inmates with clean water but also ensuring a well-maintained sanitation system and washroom facilities. The Supreme Court, in the case of *State of Andhra Pradesh v. Challa Ramkrishna Reddy and Others* [(2000) 5 SCC 712], has poignantly remarked that the Right to Life stands paramount among human rights. As enshrined in Article 21 of the Constitution of India, this right remains inviolable, irrespective of an individual's incarcerated status. A prisoner's basic constitutional rights persist, even behind bars.

Therefore, any measures restricting an individual's freedom must not infringe upon their inherent dignity and rights.

6. Recognizing the pressing nature of this issue, we deem it necessary to authorize an independent committee for a meticulous inspection of Tihar Jail. To this end, we establish a Fact-Finding Committee consisting of Dr. Amit George, Mr. Santosh Kumar Tripathi, Ms. Nandita Rao, and Mr. Tushar Sannu. Their mandate is to impartially evaluate the present conditions and update us on the status of drinking water, sanitation, overall hygiene, and the maintenance of washrooms/toilets within the complex.

7. The Director General (Prison) of Tihar Jail is directed to facilitate the Committee's work, providing all requisite resources and support to enable a thorough examination of the jail premises.

8. A detailed status report from both the Committee and the GNCTD is anticipated before our subsequent hearing.

9. List on 18.10.2023.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

AUGUST 23, 2023

N.Khanna