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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 3rd May, 2021

+ W.P.(C) 2087/2021

NATASHA NARWAL & ANR. Petitioners

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

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Gautam Narayan, ASC GNCTD
with Ms. Ritika Vohra, Mr. Dacchita
Shahi, Advocates for R-1 and 2.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba m. Singh, J. (Oral)

1. This hearing has been done through video conferencing.

CM APPL. 15721/2021 (exemption from filing notarized affidavits)

2. This is an application seeking exemption from filing duly notarized affidavits. Binding the deponent of the affidavit to the contents of the application, the exemption is granted. Application is disposed of.

CM APPL. 15720/2021 (placing additional facts and seeking directions) in WP(C) 2087/2021

3. The present application has been filed by the Petitioner seeking certain further reliefs, and flagging further issues, in respect of the Petitioners, and other similarly placed inmates in Central Jail No. 6 i.e., Women's jail, in Tihar.

i) Tele-calling facilities

4. The first issue that has been highlighted by Mr. Adit S. Pujari, Id. Counsel for the Petitioners, is in respect of telephonic calling facilities for

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prisoners who are being quarantined, due to them having symptoms of COVID-19 or due to having been tested positive for COVID-19.

5. Mr. Pujari, Id. Counsel submits that the inmates do not have any tele-calling facilities, and they are able to use the telephone to call only once in a week, which is not sufficient, considering the fact that the relatives of these prisoners would be concerned about their medical condition and their symptoms as also their treatment in respect of COVID-19.

6. In response to this issue, Mr. Gautam Narayan, Id. ASC appearing for the GNCTD, submits that a separate mobile number has now been obtained in order to enable such prisoners to be able to make telephone calls, and a specific dedicated staff has been nominated to visit the COVID-19 ward to facilitate the same, and enable the said prisoners to speak with their family. He further submits that the Office of Superintendent of Jail is in fact intimating the relatives of the inmates as to their medical condition on a daily basis.

7. Mr. Gautam Narayan, Id. ASC to obtain instructions as to what is the frequency of such visits being made by the said dedicated staff, as also the frequency of such telephone-calls that have been permitted to be made by the inmates, who are currently quarantined due to Covid-19 symptoms and those who are quarantined due to having tested positive and are undergoing treatment.

ii) Vaccination of inmates

8. Mr. Pujari, Id. Counsel, has also in this application under ground (f), raised an issue concerning the vaccination of the inmates in the prison, in order to prevent an outbreak as the jail is overcrowded.

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9. Mr. Narayan, Id. ASC, on this issue, submits that, at this stage, only 12 prisoners/inmates who are over the age of 45 years have been vaccinated.

10. Considering that there are greater chances of spreading of the COVID-19 infection, within the enclosed premises of the prison, let Mr. Gautam Narayan, Id. ASC, take instructions as to the vaccination policy, that is being proposed for vaccinating the inmates in the Central Jail-6, Tihar.

iii) E-Mulaqaats

11. The application also prays for resumption of the E-Mulaqat facility for the inmates to interact with their family members. The same is a part of ground (d) of the application.

12. Insofar as physical *mulaqaats* of inmates with their family members, the same is stated to have been entirely suspended currently. However, Mr. Gautam Narayan, Id. ASC, has informed the Court that *E-Mulaqaats* are being resumed from today i.e., 3rd May, 2021.

13. Let the same be confirmed by Id. Counsel for the Petitioner on the next date.

iv) Monthly charges for calling facilities

14. Id. counsel for the Petitioner also prays that, as was done in May/June 2020, the monthly calling charges amounting to Rs. 150 to Rs. 300, imposed upon the prisoners, be waived due to the prevalent situation.

15. Mr. Gautam Narayan Id. ASC, submits that a decision *qua* the same has to be taken by the Prison HQs, as was done previously. Let the same be done, and placed on record before the next date.

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v) Other reliefs prayed for in the Application

16. Apart from these, Mr. Narayan, Id. ASC, may peruse the remaining issues raised in the application and may attempt to seek instructions in the matter, to assist the court on the next date.

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17. The Petitioners, who are under-trial prisoners currently locked in the Tihar Jail, Delhi, have filed the present petition seeking directions for provision of facilities in respect of Physical *Mulaqats*, Computer Centre for Video Conferencing, as well as legal aid. Vide the last order dated 13th April, 2021, this court had directed the Respondents to seek instructions and file a status report in respect of the said issues raised in the petition.

18. Pursuant to the last order dated 13th April 2021 a status report has been filed on behalf of the Superintendent, Central Jail No.6, on the said three issues which were flagged by the court.

(i) Physical mulaqats:

19. In respect of physical *mulaqats*, considering the current wave of the COVID-19 pandemic, it is stated in the status report filed by the Respondents that even after wearing the PPE kits, it is not advisable to have a physical meeting/*mulaqats*.

20. To this effect, the status report is taken on record and is accepted by the Court, subject to the condition that *e-mulaquats* would commence and all the facilities *qua* the same shall be provided to all the inmates in Central Jail-6, Tihar.

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(ii) Computer Centre:

21. Insofar as the computer centre is concerned, the status report states that once the second wave of the COVID-19 pandemic subsides, the computer centre would be opened and re-operationalized in a phased manner. Mr. Gautam Narayan submits that in the computer centre, COVID-19 protocols may not be fully maintained, and hence the same is currently not operational.

22. Moreover, insofar as the internet connectivity in the said computer centre is concerned, the Jail Superintendent would not have the authority to decide as to which websites should be made accessible to the inmates.

23. Accordingly, the Jail Superintendent, Central Jail No.6, Tihar, may co-ordinate with the concerned Director at the NIC, who is providing the internet connection to Tihar Jail, in order to seek assistance as to whether limited access to only a certain permissible number of portals can be given in the computer centre at the jail or not, and whether the system can be installed in such a manner that there is no access to other non-permissible internet portals. For this purpose, the Jail Superintendent may directly contact the Director, NIC, and a status report in this regard be placed on record before the next date

(iii) Legal Aid:

24. Insofar as the issue concerning legal aid is concerned, the status report states that the legal aid room is available, and the empanelled counsels of the Delhi State Legal Services Authority (DSLISA) visit the said jail and utilise these computers between 3:00 PM to 6:00 PM five days a week. The status

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report further states that the number of computers and printers are being made available can be increased, if required.

25. Since the requirement of these computers would be based on the quantum of work which the DSLSA panel lawyers would be undertaking in the said room, let the Secretary, DSLSA, Mr. Kawaljeet Arora, place a report on record, after assessing as to how many computers and printers would be required in the said legal aid room.

26. A copy of the present order be communicated to Mr. Kawaljeet Arora, Secretary- DSLSA, and the concerned Director, NIC, who shall be served through the Jail Superintendent, Central Jail No.6 itself.

27. Let status report in respect of issues (ii) and (iii) be filed by the Respondents within a period of 10 days from today.

28. Insofar as the issues relating to tele-calling and vaccination are concerned, instructions may be obtained by Mr. Gautam Narayan, Id. ASC urgently. For the rest of the issues matter would be taken up after two weeks. List this petition, as also CM Appl. 15721/2021, on 5th May, 2021.

भारतमेव जयते

**PRATHIBA M. SINGH
JUDGE**

MAY 3, 2021

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