

§-5

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

+ W.P. (CRL.) 974/2020

SANJAY SINGH

..... Petitioner

Through: Ms. Alpana Pandey, Advocate.

versus

THE STATE (GOVT. OF NCT) OF DELHI AND ANR.

.... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) along with Mr.Goyal, D.G. (Prisons) and
Mr.O.P. Pandey, Jail Superintendent.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

06.08.2020

HEARD THROUGH VIDEO CONFERENCING

1 In compliance of the order dated 21.07.2020, a Status Report has been filed by the D.G. (Prisons), Delhi tendering *inter alia*, an unconditional apology for the inappropriate explanation submitted by the Superintendent, Central Jail-I, for unlawfully detaining the petitioner in prison for the period between 20.06.2020 to 25.06.2020. The Status Report further submits that at least 1.5 lacs prisoners have been released during the past three years and the direction of this court to compile the data in respect of all of them, would be a stupendous exercise and need a lot of time. It is further stated that to prevent any such mistake as has happened in the present matter, the Prison (Headquarters) has constituted a Committee to randomly inspect the jail

records concerning detention of prisoners in jail and their release. Further, a Circular has been issued informing all concerned that no person must be detained without any valid and justified reason and that the erring official will be held responsible for such a lapse.

2 We may note that Mr. Goyal, D.G. (Prisons), who is present in the hearing, has assured this court that after a lot of introspection, it has been decided that course correction is warranted within the Department. He informs us that 14 Law Officers are also being appointed on a contractual basis very soon and they will be available to each of the jails for advice and guidance, wherever required.

3 Having perused the Status Report filed by the D.G. (Prisons), we propose to let the matter rest here. However, taking note of the explanation sought to be offered by the Superintendent, Central Jail-I, for unlawfully detaining the petitioner in prison beyond 20.06.2020, we are of the opinion that officers posted in the jails, particularly, those of the rank of the Superintendents, Deputy Superintendents and Assistant Superintendents must be apprised of their duties and obligations in law so that such an incident is not repeated in the future.

4 Accordingly, Member (Secretary), Delhi State Legal Services Authority (DSLISA) is directed to arrange online workshops, tailor-made for the said purpose. The Superintendents, Deputy Superintendents and Assistant Superintendents, Jail and all the 14 Law Officers who have been appointed by the Prison (Headquarters) shall attend the said workshops on dates that may be fixed in consultation with the D.G. (Prisons). In the said workshop, the relevant provisions of law and the case law shall be discussed with the attendees and they shall be apprised of the various nuances of law

relating to the prisoners and their rights and the duty of the jail authorities qua them. It is further directed that Member (Secretary), DSLSA shall organize similar workshops in conjunction with D.G. (Prisons) on a regular interval and at least once a year.

5 Member (Secretary), DLSA is requested to file a compliance affidavit after conducting the online workshops in respect of the Superintendents, Deputy Superintendents and Assistant Superintendents and the 14 law Officers.

6 List for reporting compliance on 14.09.2020.

A copy of this order shall be e-mailed to the Member (Secretary), DLSA for information and necessary action.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

AUGUST 06, 2020

A/rkb