Most Immediate/Out at once

OFFICE OF THE DISTRICT & SESSIONS JUDGE (HQs): DELHI

No. 7683 - 773/Genl./Jud.Circl./HCS/2021 Dated, Delhi the 15 MAR 2021

Copy of the Order as passed by the Supreme Court of India in in SLP No. 13021/2020 (Arising out of impugned final judgment and order dated 20.10.2020 in WPC No.3037/2020 passed by the High court of Delhi, New Delhi titled as National Forum on Prison Reforms Vs. Govt. of NCT of Delhi & Ors., be circulated for information and necessary action to : -

1. **All the Ld. Judicial Officers posted in Central District dealing with Criminal matters.**
2. **The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the website of Delhi District Courts.**
3. **The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no. DJA/Dir./Acd/2019/4306 dt. 06.08.2019.**
4. **For uploading the same on Centralized Website through LAYERS.**
5. **PS to Ld. Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.**

15/03/21

(RAKESH PANDIT)
Officer-in Charge, Genl. Branch, (C)
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi.

Encls. As above.

No. 499 Genl./Jud.Circl./HCS/2021 Dated, Delhi the 15 MAR 2021

Copy to :

The Registrar General, Hon'ble High Court of Delhi, New Delhi for information please.

15/03/21

Officer-in Charge, Genl. Branch, (C)
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi.

All Communications Should be Addressed to Registrar by Designation and not by Name. Pin Code - 110001

Delivery Mode: Registered

D. No. **23367/2020** /SEC-XIV
SUPREME COURT OF INDIA
NEW DELHI
04th March, 2021

From:

The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

The Registrar,

1	**HIGH COURT OF DELHI AT NEW DELHI, DELHI , DISTRICT- NEW DELHI, DELHI**	**PID: 30412/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**
2	**THE DISTRICT JUDGE,, TIS HAZARI COURTS, NEW DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30413/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**
3	**THE DISTRICT JUDGE,, PATIALA HOUSE COURTS, NEW DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30414/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**
4	**THE DISTRICT JUDGE, KARKARDOOMA COURTS, DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30415/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**
5	**THE DISTRICT JUDGE, ROHINI COURTS, NEW DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30416/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**
6	**THE DISTRICT JUDGE,, DWARKA COURTS, NEW DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30417/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**
7	**THE DISTRICT JUDGE,, SAKET COURTS, NEW DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30418/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**
8	**THE DISTRICT JUDGE,, ROUSE AVENUE COURTS COMPLEX, NEW DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30419/2021 IN SLP(C) NO.13021/2020 (SEC XIV)**

प्राप्ति संख्या 282/18
09 MAR 2021

OIC (Genl.)
PDRSS (HOS)
08.03.2021

http://10.25.78.60/supreme_court/no

9	**NATIONAL FORUM ON PRISON REFORMS, THROUGH ITS CONVENOR, PROFESSOR VIJAY RAGHAVAN CENTRE FOR CRIMINOLOGY, SCHOOL OF SOCIAL WORK, TATA INSTITUTE OF SOCIAL SCIENCES, V N PURAV MARG, DEONAR, MUMBAI-400088, DISTRICT- MUMBAI, MAHARASHTRA - 400088**	**PID: 30408/2021 FOR P[1] IN SLP(C) NO.13021/2020 (SEC XIV)**
10	**GOVERNMENT OF NCT OF DELHI, THROUGH ITS PRINCIPAL SECRETARY, DEPARTMENT OF HOME 5TH FLOOR, C WING, DELHI SECRETARIAT, NEW DELHI-110001, DISTRICT- NEW DELHI, DELHI - 110001**	**PID: 30409/2021 FOR R[1] IN SLP(C) NO.13021/2020 (SEC XIV)**
11	**DIRECTOR GENERAL OF PRISONS, PRISON HEAD QUARTERS, NEAR LAJWANTI GARDEN CHOWK, JANAK PURI, NEW DELHI 110064, DISTRICT- NEW DELHI, DELHI - 110064**	**PID: 30410/2021 FOR R[2] IN SLP(C) NO.13021/2020 (SEC XIV)**
12	**DELHI STATE LEGAL SERVICES AUTHORITY THROUGH ITS MEMBER SECRETARY, PRE-FAB BUILDING, PATIALA HOUSE COURTS, NEW DELHI, DISTRICT- NEW DELHI, DELHI**	**PID: 30411/2021 FOR R[3] IN SLP(C) NO.13021/2020 (SEC XIV)**

SPECIAL LEAVE PETITION (CIVIL) Nos. 13021, 13737, 13738 OF 2020 and SLP(C) Diary No. 25757 of 2020

(From the Judgment and Order dated **20th October, 2020** of the **HIGH COURT OF DELHI AT NEW DELHI,** in **WPC** No. **3037** of **2020**)

NATIONAL FORUM ON VERSUS ...

PRISON REFORMS ETC. Petitioner(s)/Appellant(s)

GOVERNMENT OF NCT OF DELHI AND OTHERS ETC. ... Respondent(s)

Sir,

I am directed to forward herewith for your information and necessary action a certified copy of Record of Proceedings dated **01st March, 2021** of this Court in the matters above mentioned.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR

(4)

ITEM NO.39 Court 8 (Video Conferencing) SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 13021/2020

(Arising out of impugned final judgment and order dated 20-10-2020 in WPC No. 3037/2020 passed by the High Court Of Delhi At New Delhi)

NATIONAL FORUM ON PRISON REFORMS Petitioner(s)

VERSUS 924892

GOVERNMENT OF NCT OF DELHI & ORS. Respondent(s)

(with applns. for clarification/direction, exemption from filing affidavit, exemption from filing c/c of the impugned judgment, permission to file additional documents/facts/annexures and permission to file lengthy list of dates)

Certified to be true copy
Assistant Registrar (Judl.)
SUPREME COURT OF INDIA

WITH
SLP(C) No. 13738/2020 (XIV)
(with applns. for exemption from filing c/c of the impugned judgment and permission to file additional documents/facts/annexures)

SLP(C) No. 13737/2020 (XIV)
(with appln. for exemption from filing c/c of the impugned judgment)

Diary No(s). 25757/2020 (XIV)
(with applns. for exemption from filing c/c of the impugned judgment and permission to file petition)

Date : 01-03-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For the parties :

Mr. Gaurav Agarwal, Adv.

Ms. Shilpa Singh, AOR
Mr. Tripurari Ray, Adv.
Mr. Balwant Singh Billowria, Adv.
Mr. Vivekanand Singh, Adv.
Mr. Anirudh Ray, Adv.

Mr. Kanhaiya Singhal, AOR
Mr. Chetan Bhardwaj,Adv.
Mr. Prasanna, Adv
Mr. Surender Kumar Mathur, Adv.

Mr. Ajay Verma, Adv.
Ms. Ritu Kumar, Adv.
Ms. Harini Raghupathy, Adv.
Ms. Ankita Wilson, Adv.
Mr. Satya Mitra, AOR

Mr. Tanveer Ahmed Mir, Adv.
Mr. Arjun Bhati, AOR
Mr. Satya Mitra, AOR
Mr. Ajay Verma, Adv.
Ms. Ritu Kumar, Adv.
Ms. Harini Raghupathy, Adv.
Ms. Ankita Wilson, Adv.

Mr. Arjun Singh Bhati, AOR

Mr. Sanjay Jain, ASG
Mr. B.V. Balaram Das, AOR
Mr. Ashok Panigrahi, Adv
Mr. B.K Satija, Adv
Mr. D.L Chidanand, Adv
Mr. S. Vinay Ratnakar, Adv
Mr. Nawab Singh, Adv

Mr. Chirag M. Shroff, AOR
Ms. Abhilasha Bharti, Adv
Mr. Sushant Dogra, Adv

Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv
Ms. Dacchita Shahi, Adv
Mr. Adithya Nair, Adv
Ms. Ritika Vohra, Adv

Ms. Nidhi, AOR
Mr. Jaydip Pati, Adv.
Kasturika Kaumudi, Adv.

Mr. Annam D. N. Rao, AOR
Mr. Annam Venkatesh, Adv.
Mr. Rahul Mishra, Adv.
Ms. Ananya Khandelwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The High Court of Delhi on its own motion passed an order dated 25.03.2020 directing continuance of interim orders passed by the High Court and the court subordinate thereto till 15.05.2020 or until further orders. The order dated 25.03.2020 was extended from time to time till 31.10.2020. A status report was filed by the Government of NCT of Delhi on 15.10.2020 bringing to the notice of the High Court that 2318 prisoners were granted interim bail by the courts and 2907 prisoners were granted interim bail on the recommendations of the High Powered Committee. 356 prisoners have been granted bail by the Delhi High Court. The order dated 25.03.2020 was modified by the High Court on 20.10.2020 which *inter alia* reads as follows :

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

a. The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

b. The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

c. The prisoners of Patiala House Courts, New Delhi, District shall surrender on 4th November,

2020.

d. The prisoners of East District, Karkardooma Courts, shall surrender on 5th November, 2020.

e. The prisoners of North East District, Karkardooma Courts shall surrender on 6th November, 2020.

f. The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

g. The prisoners of North District, Rohini Court shall surrender on 8th November, 2020.

h. The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

I. The prisoners of South West District, Dwarka Courts shall surrender on 10th November, 2020.

j. The prisoners of South District, Saket Courts, shall surrender on 11th November, 2020.

k. The prisoners of South East District, Saket Courts, shall surrender on 12th November, 2020.

l. The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said application for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

(iv) As far as 356 prisoners granted interim bail by this Court are concerned, they shall surrender before the concerned jail superintendent(s) on 13th

November, 2020. However, as stated above, all the above 356 prisoners are at liberty to move applications for extension of their interim bails before the concerned benches of this Court, if so advised, and their applications will be considered on merit without being influenced by any order passed by this Full Bench.

(v) As far as interim orders passed in the civil matters are concerned, which were extended vide orders dated 25th March, 2020 and subsequent orders, it is hereby ordered that all such interim orders shall cease to have effect on the next date of hearing in the said matters. However, the parties in the said matters are at liberty to move the concerned courts for extension of the interim orders and the said courts shall consider extension of the interim orders on merit without being influenced by any orders passed by this Court in this matter."

Aggrieved by the said order dated 20.10.2020, the National Forum on Prison Reforms has filed SLP(C) No. 13021/2020. Taking into account the then existing situation of the Pandemic, this Court issued notice on 29.10.2020 and stayed the directions (i), (ii) and (iv) given in para 7 of the impugned order of the High Court dated 20.10.2020. Thereafter, the interim order was continued from time to time. The last extension was granted on 1.2021 whereby the interim order was extended till 25.02.2021.

In the meanwhile, by an Order dated 18.02.2021, the High Court was informed about the recommendations made by the High

Powered Committee on 17.02.2021 by which the prisoners who were released due to orders of the interim bail were directed to surrender. The High Court directed the extension of interim bail granted to 3499 under trial prisoners expiring w.e.f. 20.02.2021 for a period of 15 days when their respective interim bails were to expire.

In view of the improving situation, we direct 2318 prisoners who were granted interim bail by the trial Court and 356 prisoners who were granted interim bail by the High Court to surrender within 15 days from today.

Mr. Gaurav Agarwal, learned Amicus Curiae in W.P. (Civil) No.406/2013 submits that the report on the issue of overcrowding in prisons shall be submitted within four weeks.

Reply on the said issue shall be filed within four weeks thereafter.

List these matters along with W.P. (Civil) No. 406/2013 on 26.04.2021.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master