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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: July 13, 2016

+ **WP(C) No.3892/2011**

VIJAY AGGARWAL

...Petitioner

Through: Nemo

Versus

UNION OF INDIA & ANR.

...Respondents

Through: Mr. Rajesh Gogna, Mr. Ripudaman Bhardwaj, CGSC with Mr. T.P. Singh, Adv for UOI; Mr. Gautam Narayan, ASC for GNCTD; Mr. Ajay Verma with Mr. Gaurav Bhattacharya, Advocates for DSLSA

+ **WP(C) No. 5516/2014**

SATYAVIR SINGH RATHI

...Petitioner

Through: Mr. Suraj Rathi with Mr. Rajiv Singh Pilania, Advocates

Versus

LT GOVERNOR DELHI & ORS.

...Respondents

Through: Mr. Rajesh Gogna, Mr. Ripudaman Bhardwaj, CGSC with Mr. T.P. Singh, Adv for UOI; Mr. Gautam Narayan, ASC for GNCTD; Mr. Ajay Verma with Mr. Gaurav Bhattacharya, Advocates for DSLSA

+ **WP(C) No. 8873/2015**

ADITYA WADHWA

...Petitioner

Through: Petitioner in person

Versus

GOVT OF NCT OF DELHI & ANR.

...Respondents

Through: Mr. Rajesh Gogna, Mr. Ripudaman Bhardwaj, CGSC with Mr. T.P. Singh, Adv for UOI; Mr. Gautam Narayan, ASC for GNCTD; Mr. Ajay Verma with Mr. Gaurav Bhattacharya, Advocates for DSLSA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

MS. G. ROHINI, CHIEF JUSTICE (ORAL)

1. The issue regarding the need for amendments to Parole/Furlough Guidelines, 2010 has been raised in all these petitions filed by way of Public Interest Litigation.
2. While W.P.(C) No.3892/2011 has been filed challenging the constitutional validity of Rule 75 of the Delhi Prisons (Admission, Classification, Separation, Remission, Reward & Release of Prisoners) Rules, 1988 as well as the Parole/Furlough Guidelines, 2010, W.P.(C) No.5516/2014 has been filed seeking a direction that birth of a grandchild should also be added as a ground for grant of parole to a convict. Petitioner also sought incorporation of additional ground for grant of parole to those convicts who are having agricultural land for sowing and harvesting the crops and for deletion of condition 11.5 of 2010 Guidelines. So far as W.P.(C) No.8873/2015 is concerned, the petitioner seeks a declaration that clause 11.1 of 2010 Guidelines is arbitrary and unreasonable.
3. Pursuant to the notice issued by us, status reports were filed by the respondents from time to time furnishing the data relating to under-trial inmates of Tihar Jail and the cases in which parole and furlough were

granted and the same were taken on record.

4. During the pendency of the writ petitions, the Government of NCT of Delhi constituted a Committee for reviewing the Parole/Furlough Guidelines, 2010. Having regard to the fact that the Reviewing Committee has already undertaken the exercise of reviewing the Parole/Furlough Guidelines, 2010, instead of this Court considering the suggestions that have come from the petitioners, we deem it appropriate to leave it open to the Reviewing Committee to address all the issues raised in the present petitions and take an appropriate decision in accordance with law.

5. Accordingly, all the writ petitions are disposed of with directions as under:

(i) The petitioners are at liberty to submit their suggestions, if any, with regard to streamlining of the Parole/Furlough Guidelines, 2010 to the Review Committee on or before 15.09.2016.

(ii) The Review Committee shall consider the suggestions and make appropriate recommendations to the Government of NCT of Delhi as expeditiously as possible, preferably within four months thereafter.

(iii) The Government of NCT of Delhi shall act upon the recommendations of the Review Committee within two months thereafter.

(iv) In case the issue sought to be espoused is not fully resolved, the petitioners are at liberty to approach this Court by filing a fresh petition.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JULY 13, 2016/gr//