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

+ W.P.(C) 11284/2017

SH. RAJ KUMAR Petitioner
Through: Ms Deepali Gupta, Advocate.

versus

GOVERNMENT OF NCT OF DELHI
AND ANR.

..... Respondents
Through: Mr Sanjoy Ghose, ASC, GNCTD
with Ms Urvi Mohan, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **18.12.2017**

CM No. 46139/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Issue notice.
4. The learned counsel appearing for the respondents accepts notice.
5. The petitioner has filed the present petition, *inter alia*, praying as under:-

“a) To declare the action of the respondents as unjustified, arbitrary and illegal in not releasing the rehabilitation grant

under the Rehabilitation Scheme and Rules framed and notified by the respondents,

- b) Direct the respondents to release the rehabilitation grant as applicable to the petitioner expeditiously.”

6. The petitioner was admitted to judicial custody on 11.01.1990 in the case relating to FIR No. 06/1990 for offences under Sections 302/364/120 IPC. He was subsequently convicted for the said offences and sentenced for life imprisonment by the Sessions Court. By an order dated 06.11.2015, the Lt. Governor of Delhi was pleased to remit the un-expired portion of the petitioner’s sentence. The learned counsel for the petitioner asserts that the sentence was remitted on account of good behaviour during the period of his incarceration.

7. Notwithstanding the above, the petitioner’s request for rehabilitation grant under the scheme of rehabilitation grant to released prisoners, has not been acceded to.

8. Mr Sanjoy Ghose, learned counsel who appears for the respondents on advance notice referred to the Delhi Rehabilitation Grant to Released Prisoners Rules, 2012 and drew the attention of this Court to Rule 4 of the said Rules which reads as under:-

“4. **Eligibility-** The released prisoner shall be eligible for rehabilitation grant if :-

- (1) he is resident of Delhi;
- (2) he has been under incarceration / stay in homes/probation for the period for not less than six months and released from jail;

(3) he has attained the age of majority as per law applicable to him as on date of submission of application;

(4) he has preferably participated in training programme for vocational and skill development during the period of and is capable of to start independent livelihood activity;

(5) his conduct and behavior has been satisfactory during the period of incarceration and is capable of to start independent livelihood activity;

(6) his family income from all sources does not exceed rupees one lakh per annum or such sum as may be notified by the Government from time to time.”

9. He contended that the petitioner had jumped parole twice during the period of his incarceration and, therefore, his conduct and behaviour could not be stated to be satisfactory. Consequently, in terms of Rule 4(5) of the said Rules, the petitioner was ineligible for receiving any grant.

10. He further stated that the petitioner’s case had been examined and although no speaking order was passed, a decision was taken not to provide the petitioner with a rehabilitation grant.

11. If it is correct that the petitioner’s sentence had been remitted on account of good conduct, there would be an apparent contradiction in the approach of the respondents. Clearly, on one hand, the respondents could not remit the un-expired sentence of the petitioner on account of good conduct and, on the other hand, deny the rehabilitation grant to the petitioner on account of unsatisfactory conduct and behaviour during the period of incarceration.

12. In view of the above, this Court considers it apposite to direct the

respondent to reconsider the petitioner's case for grant of rehabilitation grant having regard to the fact that the petitioner's sentence had been remitted.

13. The matter shall be considered by the concerned committee within a period of eight weeks from today and the decision would be communicated to the petitioner.

14. The petition is, accordingly, disposed of with the aforesaid directions.

VIBHU BAKHRU, J

DECEMBER 18, 2017
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