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

+ W.P.(C) 2815/2018

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr.Ajay Verma, Adv. (*amicus curiae*) with Ms.Katyayini, Adv.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Vivek Goyal, CGSC with Mr.Ram Kishan Kumar, Mr.Nirmaljit Singh Billing, Advs. for UOI.

Mr.Sanjay Ghose, ASC with Ms.Urvi Mohan, Adv. for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

09.07.2019

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1. This writ petition is by this Court on its own motion on the basis of a letter received from Mr.Ajay Verma, Advocate dated 12th January, 2018 regarding problems being faced by foreign women inmates lodged in Central Jail No.6, Tihar under the Narcotics Drugs and Psychotropic Substances Act, 1985. The Court took cognizance and converted this letter into public interest litigation.

2. Notice of the petition has been issued by this Court upon the respondents. We have heard at length Sh.Ajay Verma, Advocate who was appointed as *amicus curiae* to assist this Court. He submits that he has already interacted with as many as 278 foreign prisoners in the jail. It is

submitted by Sh.Ajay Verma that out of these 278, 52 are female foreign prisoners. They have grievance about the discrimination in getting orders in bail matters; in having telephone calls at the residence in their respective countries; and that there is lack of communication from the respondent to the Embassy and their country.

3. It is submitted by Sh.Ajay Verma that these foreign prisoners are already getting legal aid, and if two calls in a week is permitted, each of 10 minutes, and if there will be a better communication from the Ministry of External Affairs, Government of India to the Embassy of the respective countries, it will facilitate these foreign nationals, who are in jail, to get the aid from their families/relatives etc.

4. Having heard the learned counsel for the respondents and looking into the facts and circumstances of the case, we see no reason to give any directions as far as bail matters are concerned. It is the prerogative of trial Court to deal with such matters and we cannot comment whether there is discrimination or not.

5. So far as permission to make the telephonic call is concerned, it is submitted by the counsel for the respondents that a telephonic call once in a week for 10 minutes is already allowed by the respondents.

6. We request the respondents to consider, as to whether they can permit two calls in a week for 10 minutes each to the foreign inmates, who are lodged in jail, so that they could contact their families. We are making it clear that there is no direction by this Court, it is left upon the respondents to accept this request or not, looking into various facts which are prevalent

within the jail and with the Ministry.

7. So far as speedy communication is concerned, we directed the Ministry of External Affairs and concerned authorities of the Union of India to have speediest communication with the Embassy of the respective countries of the foreign inmates who are in jail.

8. With these observations, the writ petition is disposed of.

9. We are thankful to Mr.Ajay Verma, Advocate, for bringing to our notice by his letter the facts about foreign inmates, lodged in jail and about their condition, as well as for the subsequent efforts undertaken by him and the assistance rendered to this Court thereby.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 09, 2019

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