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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 07.07.2020

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W.P.(C) No.3520/2020

AJIT P. SINGH

..... Petitioner

Through: Mr. Luv Kumar Aggarwal, Ms. Usha
Garg, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Satyakam, ASC for GNCTD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

:

D.N. PATEL, Chief Justice (Oral)

1. Proceedings of the matter have been conducted through video conferencing.
2. This writ petition has been preferred with the following prayers:

“a) Appropriate Writ, Order or direction for quashing the circular dated 25.03.2020 bearing No. F-10(3598848)/CJ/Legal/2020/20016 issued by Office of the Director General(prisons), Delhi and the circular in continuation thereof.

b) Appropriate Writ, Order or direction to the Respondent to allow the legal interview/legal

consultation/legal advice/drafting of cases of the Jail Inmates in Delhi with the advocates of their choices.

c) Appropriate Writ, order or direction for the proper and suitable actions against the negligent officers of the respondents.

d) Any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the petitioner."

3. Having heard the counsel for both the sides and looking to the facts and circumstances of the case, it appears that the Circular dated 25.03.2020 issued by the DG (Prisons) is under challenge in this writ petition. For ready reference, the said circular is reproduced herein:

*OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISON HEADQUARTERS: TIHAR
JANAK PURI: NEW DELHI*

No.F-10(3598848)/CJ/Legal/2020/20016

Date:25/03/2020

CIRCULAR

Subject: Suspension of Legal Interviews

In view of prevailing situation due to pandemic COVID-19-Corona Virus, it has been decided by the Competent Authority to suspend Legal Interviews with the prisoners lodged in all the jails of Delhi Prisons in order to prevent the spread of this virus among the inmates, till 14/04/2020.

The bail applications/interim bail applications of concerned prisoners may be got drafted by the jail visiting Counsels of Delhi State Legal Services Authority which may be further forwarded to the concerned courts, through Jail Section DSLSA.

Sd/-

25/3/2020

*Addl. Inspector General of Prisons
Delhi Prisons”*

4. Looking to the aforesaid circular, it appears that due to prevailing pandemic Covid-19 situation, the competent authority of Delhi Prisons had **suspended** the legal interviews with the prisoners lodged in all the jails of Delhi. Learned counsel for the respondent submitted that a fresh Circular has been issued dated 06.07.2020. Therefore, now the earlier Circular dated 25.03.2020 is inapplicable.

5. By virtue of the new circular dated 06.07.2020, now the facility of legal interviews is available via video conferencing to all the prisoners lodged in all the jails of Delhi Prisons. It further appears from the facts of the case that half an hour time for legal interview has been allowed, a maximum of two times a week. The link for the video conferencing is to be sent by email to the concerned advocate by jail authorities. The legal interviews between the counsel/ advocate/lawyer and the inmate will take place in the presence of the Jail Superintendent but the Jail Superintendent will be out of hearing range, in order to maintain privileged communication.

6. The prevailing situation of Covid-19 pandemic is such a situation which has never been envisaged and hence, to ensure the safety of jail

WP(C) 3520/2020

inmates, such type of restrictions had been imposed. Nonetheless, we appreciate the stand taken by the respondent Government authorities in providing the video conferencing facility whereby the legal interviews have been allowed.

7. Looking to the provisions of Circular dated 06.07.2020, at this stage, we are not inclined to give any further directions to the Respondents. Nonetheless, as stated by us in our order dated 07.07.2020 passed in W.P.(C) No. 3778/2020, the respondent authorities will also consider the suggestions of the petitioner in future if any amendment is required in the Circular dated 06.07.2020 for making the same more user friendly. It ought to be kept in mind that Government should also be given some movement in joints.

8. With these observations, the writ petition is disposed of with liberty to the petitioner to move this Court by way of a fresh petition with appropriate averments, allegations and annexures, if the need arises.

CHIEF JUSTICE

PRATEEK JALAN, J

JULY 07, 2020
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