

\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 942/2020 & CRL.M.A. 7851/2020, CRL.M.A.
7852/2020, CRL.M.A. 7863/2020

NATSHA NARWAL

..... Petitioner

Through: Mr. Adit S. Pujari, Mr. Kunal
Negi, Ms. Kriti Awasthi, Ms.
Tusharika Mattoo and Mr.
Chaitanya Sundriyal, Advs.

versus

THE SUPERINTENDENT CENTRAL JAIL 6,
TIHAR NCT OF DELHI & ANR

..... Respondents

Through: Mr. Rahul Mehra, Sr. Standing
Counsel (Crl.)-GNCTD with
Mr. Chaitanya Gosain, Adv.

CORAM

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGEMENT (oral)

%

30.06.2020

(video-conferencing)

**W.P.(CRL) 942/2020 & CRL.M.A. 7851/2020, CRL.M.A.
7852/2020, CRL.M.A. 7863/2020**

1. Consequent to the filing of various FIRs, charging the petitioner with having committed various offences – with which the present petition is not required to be burdened – the petitioner is lodged in Jail No. 6, Tihar Prison Complex, Delhi since 28th May, 2020.

2. By the present petition, the petitioner sought various facilities,

i.e. daily access to her counsel by way of video-conferencing, permission to communicate with her family and friends regularly in accordance with the Delhi Prison Rules, 2018 (hereinafter referred as “the Delhi Prison Rules”) and access to books and reading material.

3. Notice was issued, in this writ petition, on 18th June, 2020, on which date Mr. Rahul Mehra, learned Sr. Standing Counsel (Crl.), GNCTD fairly submitted that he would ensure that all facilities, which were permissible under the Delhi Prison Rules, would be made available to the petitioner.

4. On the next date of hearing, i.e. 24th June, 2020, Mr. Adit S. Pujari, learned Counsel for the petitioner, submitted that, though he had been granted an opportunity of video-conferencing, with his client, that morning, there had been a suspension of such video-conferencing facilities in Jail No. 6, consequent to an incident of violence that had taken place in the said premises.

5. Status report has been filed, by the Jail Superintendent, in response to the writ petition.

6. Yesterday, i.e. 29th June, 2020, Mr. Pujari narrowed down his grievances to, essentially, four issues, i.e.

- (i) the presence of the prison official, in the same room as the petitioner, during the video-conferencing with her counsel; this, according to Mr. Pujari, infringed Rule 627(2) of the Delhi Prison Rules, which stipulated that the interviews between an

under-trial prisoner and his legal representative would take place within visible, but not audible, distance of the prison officials,

(ii) that the petitioner was not being allowed to read books provided by outsiders, despite non-availability of library and reading facilities consequent on the restrictions imposed during the presently prevalent COVID-2019 pandemic in accordance with Rule 1525 of the Delhi Prison Rules,

(iii) that his client was not being permitted 30 minutes video conferencing time, twice a week, with her counsel, as has been granted by this Court *vide* order dated 9th June, 2020 in W.P.(Crl.) 855/2020 (***Sanjay Chandra vs. The Superintendent, Central Jail***) and

(iv) non-availability of screen sharing facility, during the video-conference between the petitioner and her counsel.

7. Today, Mr. Rahul Mehra, learned Sr. Standing Counsel (Crl.) appears and submits that he has engaged in a detailed interaction with the DG (Prisons) and concerned jail officials, as well as with Mr. Pujari and has made efforts to ensure that the grievances of the petitioner are mitigated. Apropos the mandate of Rule 627(2) of the Delhi Prison Rules, Mr. Mehra, submits that the petitioner would be provided headphones, and the jail official, would be in the same room, within visual but not, audible distance. He submits, justifiably, that in the interests of security and other concerns, it is not possible for the jail officials to completely vacate the room. Mr. Mehra also submits that he has instructions from the concerned authorities to provide

screen sharing facility, on the Webex platform, over which video-conferencing is provided in Jail No. 6. He further submits that, owing to certain power issues, video-conference, with the petitioner's Counsel could not be possible yesterday or this morning but assures that it could take place as soon as possible.

8. Mr. Mehra further draws attention to paras 3 and 4 of the status report, filed by the Jail Superintendent, which read thus :

“3. That the counsel of the petitioner has conducted video conferencing successfully with the petitioner on 24.06.2020 at 09:00 AM and as per the submission made before this Hon'ble Court by Ld. Standing Counsel. Mr Rahul Mehra, the next video conference session of the Petitioner with the Counsel will be conducted on 29.06.2020 at 4:00 PM. The counsels of women prisoners shall be allowed video conferencing with their clients in Central Jail No.6, Tihar, now onwards, on the basis of written requests of the counsels of the prisoners to the jail Superintendent on her official email i.e scj6-tihar@nic.in .

4. That with regard to the prayer (ii) of the instant petition which inter alia relates to providing of books and reading material, it is submitted that 13 books and 2 registers have been provided to her.”

9. Apropos reading material, Mr. Rahul Mehra submits that the jail authorities have no objection to the petitioner sourcing books from outside and reading the same, provided the material does not infract any provision of the Delhi Prison Rules. In fact, submits Mr Rahul Mehra, reading by jail inmates is an extremely constructive way of passing time during incarceration, and deserves to be actively encouraged.

10. With respect to the request, of Mr. Pujari, that his client be allowed two interviews, with her counsel, of 30 minutes each, Mr. Rahul Mehra submits that though, the order dated 9th June, 2020, of this Court, in W.P.(Crl.) 855/2020 was passed in the peculiar circumstances of that case, in which as many as 250 criminal cases were pending against the petitioners, he assures, nevertheless, that, subject to adjustments which may be required keeping in view the number of persons who seek video-conferencing simultaneously, and other such related concerns, efforts would be made to provide, to the petitioner, two video-conferences of 30 minutes each, in a week.

11. This Court expresses its unstinted appreciation for the proactive approach of Mr. Rahul Mehra, which well-behoves his status as Senior Standing Counsel for the Government.

12. Mr. Pujari, learned Counsel for the petitioner, too, fairly submits that, with the aforesaid suggestion of Mr. Rahul Mehra, the grievances of his client stands redressed. He, too, expresses his gratitude to Mr. Mehra.

13. This litigation, has, therefore, ended on a happy note.

14. The petition stands disposed of.

C. HARI SHANKAR, J

JUNE 30, 2020

kr