

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 8 OF 2022

Peoples' Union for Civil Liberties	}	
& Anr.	}	Petitioners
versus		
The State of Maharashtra & Ors.	}	Respondents

Ms. Rebecca Gonsalves with Ms. Pritha Paul for petitioners.

Mr. A. R. Patil, Additional Public Prosecutor for respondents 1, 3 and 4.

Mr. P. P. Kakade, Government Pleader for respondent no. 2.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 8th MAY 2024

P.C.:

1. Heard learned counsel for the petitioners and the learned Government Pleader.

2. This PIL petition has been filed with the prayer to issue appropriate direction to the State respondents to implement the provisions of telephonic and electronic modes of communication in terms of clause 3.38 of the Model Prison Manual, 2016 in all the prisons across the State of Maharashtra. Another prayer made in the petition is that the decision of the respondents to discontinue telephonic and electronic modes of communication be quashed.

3. Learned counsel for the petitioners has tendered to the Court a Government Resolution dated 22nd March 2024, which makes various provisions providing phone call facility and e-*mulakaat* facility to the prisoners excluding Pakistani prisoners. The said Government Resolution dated 22nd March 2024 is taken on record and marked as Exhibit 'A' for identification.

4. From a perusal of the aforesaid Government Resolution dated 22nd March 2024, it appears that various provisions have been made in the prisons across the State of Maharashtra for providing the phone call and e-*mulakaat* facilities to the inmates in the jail, however, submission of the learned counsel for the petitioners is that a direction may be issued to implement the said Government Resolution throughout the State in all the prisons. She has also stated that for implementing the provisions contained in the Government Resolution dated 22nd March 2024, all the prisons in the State of Maharashtra shall be required to be provided with adequate facilities, which may include certain infrastructure facilities as well.

5. We appreciate the decision of the State Government embodied in the Government Resolution dated 22nd March 2024.

6. We, thus, dispose of this PIL petition finally with a direction that the State Government shall implement the provisions contained in the Government Resolution dated 22nd March 2024 in all the prisons throughout the State of Maharashtra and shall also provide adequate infrastructure, wherever required, so that the Government Resolution dated 22nd March 2024 is implemented in its letter and spirit and all the inmates in the prisons are given access to phone calls and e-*mulakaat* facilities.

7. At this juncture, learned counsel for the petitioner states that exclusion of Pakistani prisoners from operation of the said Government Resolution dated 22nd March 2024 is not lawful.

8. So far as submission of learned counsel for the petitioners in relation to exclusion of Pakistani citizens from operation of the Government Resolution dated 22nd March 2024 is concerned, it is needless to observe that it is always open to the petitioners to challenge any part of the said Government Resolution if any grievance still exists by taking recourse to any remedy, including filing of a writ petition, which may be available to the petitioners in law.

JAYANT
VISHWANATH
SALUNKE

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(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)