

ITEM NO.301

COURT NO.4

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

(IA No. 97388/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 80954/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 57580/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 50706/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 79304/2020 - INTERVENTION APPLICATION, IA No. 50704/2021 - INTERVENTION/IMPLEADMENT, IA No. 47795/2021 - INTERVENTION/IMPLEADMENT, IA No. 80947/2020 - INTERVENTION/IMPLEADMENT, IA No. 57581/2021 - INTERVENTION/IMPLEADMENT, IA No. 5463/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

WITH

SLP(Cr1) No. 5978-5979/2017 (II-C)

(IA No. 23380/2018 - INTERVENTION APPLICATION)

Date : 09-03-2022 These applications were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

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Mr. Varun K. Chopra, Adv.

For Appellant(s)

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 Ms. Praveena Gautam, Adv.
 Mr. Shekhar Vyas, Adv.
 Mr. Santosh Kumar, Adv.
 Mr. Sughosh Subramanyam, Adv.
 Mr. Ankur Talwar, Adv.
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 Mr. Raj Bahadur Yadav, AOR
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 Mr. Anish Kr. Gupta, Adv.
 Mr. Adit Khorana, Adv.
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 Mr. Rahul Khurana, Adv.
 Mr. Satish Kumar, Adv.
 Mr. Sanjay Kumar Visen, AOR
 Ms. Babita Mishra, Adv.

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Mr. Mukul Katyal, Adv.

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Mr. Ujjal Banerjee, AOR
Mr. Ashish Rao, Adv.
Mr. Akash Khurana, Adv.

Mr. Sanjeev Sen, Sr. Adv.
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Mr. Modassir H. Khan, Adv.
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Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.

Mr. Amit Agrawal, AOR
Ms. Radhika Yadav, Adv.
Mr. Naman Khatwani, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Affidavit of Director General, Prisons filed in compliance of order dated 27 January 2022

- 1 In pursuance of the order of this Court dated 27 January 2022, an affidavit has been filed by the Director General, Prisons, GNCTD.
- 2 By the previous order, this Court had directed that a meeting shall be convened between:

- (i) A Secretary level officer of MHA;
- (ii) The DG, Prisons at Tihar Jail; and
- (iii) The Chief Secretary, Government of NCT.

The Commissioner of Police¹, Delhi was requested to attend the meeting as an invitee.

- 3 In pursuance of the previous directions, a comprehensive affidavit has been filed by the DG, Prisons, indicating in Annexure A-2, a status report and action plan for the implementation of 23 recommendations contained in the report of the CP, Delhi.
- 4 Broadly speaking, the recommendations which have been made fall under five heads:
- (i) Ramping up the surveillance and building infrastructure of Tihar Jail;
 - (ii) Amendments to the Recruitment Rules;
 - (iii) Regulation of ingress and egress and enhancing the security to prevent contraband being brought within the precincts of Tihar Jail;
 - (iv) Measures to control overcrowding including by setting up a new jail at Narela; and
 - (v) Welfare measures for the inmates and prison staff. Upgradation of skill training, education and medical facilities both for undertrials and convicts.

1 "CP"

- 5 Mr Gautam Narayan, counsel appearing on behalf of GNCTD, has stated that following the facts which came to light upon the report of the CP, Delhi, suspension orders have been issued for 28 non-gazetted staff (13 October 2021), 2 gazetted staff (18 October 2021) and 2 contract employees were terminated (14 October 2021). An FIR has been registered under Sections 7,8 and 12 of the Prevention of Corruption Act 1988 and for offences punishable under Sections 201 and 120B of the Indian Penal Code 1860 by the Crime Branch of Delhi Police on 12 October 2021.
- 6 The status report which is contained in Annexure A-2 to the affidavit of the DG, Prisons, indicates that out of several proposals, a proposal relating to the amendments to the Recruitment Rules has been submitted to the GNCTD and it is indicated that within a period of three months, a decision will be taken in regard to the amendments. The Chief Secretary, GNCTD shall ensure that the proposal for amending the Recruitment Rules as well as other proposals where the concurrence of the GNCTD is required are duly processed and a decision is taken no later than by 30 April 2022.
- 7 The recommendations of the CP, Delhi involve long term, medium term and short term measures. Some of the proposals which require an amendment to the Rules involve complying with due process of law. However, there are other proposals in which action can be immediately initiated, including:
- (i) Purchase and installation of equipment to prevent contraband being brought within the premises of the Jail including CCTV cameras, hand held scanners and full body scanners;
 - (ii) Upgradation of medical infrastructure;
 - (iii) Deputation of teachers and skill imparting staff; and

- (iv) Measures to improve the welfare of inmates as well as prison staff.
- 8 The proposed setting up of police pickets outside the jail premises to control the menace of contraband articles being thrown from outside can be effectively implemented in the immediate short term for which necessary action should be taken by the concerned authorities within a period of two weeks.
- 9 The proposal for ensuring that there are no cell phone towers in the immediate vicinity of the Tihar Jail and for finding a jammer solution will have to be implemented in the close coordination with the Department of Telecommunications. Action to implement the recommendation must begin immediately and be completed before the next date of listing.
- 10 Having due regard to the above directions, we direct all concerned authorities to immediately act upon and implement the recommendations, bearing in mind what has been stated above. The implementation of the recommendations can be prioritized so that those recommendations which can be implemented without any difficulty in the immediate future can be so implemented, whereas, other recommendations which require adopting requisite steps such as for amending the Rules are also worked upon in the meantime. A status report shall be filed before this Court on or before 13 April 2022. The proceedings shall be listed before this Court on 20 April 2022 at 2 pm for monitoring compliance.

Civil Appeal Nos 10856/2016 and SLP(Crl) Nos 5978-5979/2017

List the following IAs on 23 March 2022 at 2 pm:

- (i) APIIC - IA Nos 57580/2021 & 57581/2021 (applications for direction and impleadment of Andhra Pradesh Industrial Infrastructure Corporation (APIIC));

- (ii) D.A. Kumar - IA Nos. 97388 of 2020, 47795 of 2021 filed by Unitech and IA Nos. 80954 of 2020 and 80947 of 2020 filed by D A Kumar;
- (iii) Carnoustie - IA Nos. 50704 of 2021, 50706 of 2021 filed by Unitech and IA Nos. 79304 of 2020, 5463 of 2021 filed by Carnoustie and CrI MP No 118046 of 2018; and
- (iv) IA No 23380 of 2018 (application for intervention on behalf of M/s Cera Sanitaryware Ltd).

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER