

ITEM NO.53

COURT NO.14

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SMW No.10/2024

IN RE: DISCRIMINATION INSIDE PRISONS IN INDIA

Petitioner(s)

VERSUS

Respondent(s)

FOR ADMISSION

Date : 27-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : By Courts Motion

Dr. S.Muralidhar, Sr.Adv.

For Respondent(s) :

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

1. While disposing of the main matter, i.e., the Writ Petition No.1404/2023 relating to caste-based discrimination in the prisons across the country this Court had issued a slew of directions. The directions issued in Para 231 read thus:-

(i) The impugned provisions are declared unconstitutional for being violative of Articles 14,15,17, 21, and 23 of the Constitution. All States and Union Territories are directed to revise their Prison Manuals/Rules in accordance with this judgment within a period of three months;

(ii) The Union Government is directed to make necessary changes, as highlighted in this judgment, to address caste-based discrimination in the Model Prison Manual 2016 and the Model Prisons and Correctional Services Act 2023 within a period of three months;

(iii) References to "habitual offenders" in the prison manuals/Model Prison Manual shall be in accordance with the definition provided in the habitual offender legislation enacted by the respective State legislatures, subject to any constitutional challenge against such legislation in the future. All other references or definitions of "habitual offenders" in the impugned prison manuals/rules are declared unconstitutional. In case, there is no habitual offender legislation in the State, the Union and the State governments are directed to make necessary changes in the manuals/rules in line with this judgment, within a period of three months;

(iv) The caste column and any references to caste in under-trial and/or convicts' prisoners' registers inside the prisons shall be deleted;

(v) The Police is directed to follow the guidelines issued in *Arnesh Kumar v State of Bihar* (2014) and *Amanatullah Khan v The Commissioner of Police, Delhi* (2024) to ensure that members of Denotified Tribes are not subjected to arbitrary arrest;

(vi) This Court takes suo motu cognizance of the discrimination inside prisons on any ground such as caste, gender, disability, and shall list the case from now onwards as *In Re Discrimination Inside Prisons in India*. The Registry is directed to list the case after a period of three months before an appropriate Bench;

(vii) On the first date of hearing of the above suo motu petition, all States and the Union Government shall file a compliance report on this judgment;

(viii) The DLSAs and the Board of Visitors formed under the Model Prison Manual 2016 shall jointly conduct regular inspections to identify whether caste-based discrimination or similar discriminatory practices, as highlighted in this judgment, are still taking place inside prisons. The DLSAs and the Board of Visitors shall submit a joint report of

their inspection to the SLSAs, which shall compile a common report and forward it to NALSA, which shall in turn file a joint status report before this Court in the above-mentioned suo motu writ petition, and

(ix) The Union Government is directed to circulate a copy of this judgment to the Chief Secretaries of all States and Union Territories within a period of three weeks from the date of delivery of this judgment".

2. We take notice of the fact that in accordance with the direction No.231 (vii), all the States and the Union Government were directed to file a compliance report as regards the directions issued by this Court.

3. Till this date, the compliance reports have not come on record.

4. We remind all the States and the Union Government as regards the directions issued by this Court and give one last opportunity to file their respective compliance reports.

5. We also direct NALSA to file its report as regards the compliance of the directions issued by this Court.

6. Post it on 18-2-2025 on top of the Board.

7. Issue notice on IA No.21655/2025.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)