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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1481/2015**

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

**CENTRAL GOVERNMENT THROUGH SECRETARY,
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT & ORS**

..... Respondents

Through: Mr. Dayan Krishnan, Senior Advocate
(Amicus Curiae) with
Mr. Neeraj Chaudhari, Advocate.
Mr. Anuj Aggarwal, ASC, GCNTD
with Ms. Ayushi Bansal,
Ms. Arshya Singh and Mr. Aakash
Dahiya, Advocates.
Mr. Kirtiman Singh, CGSC with
Mr. Waize Ali Noor, Mr. Varun
Rajawat, Ms. Shreya Mehra,
Ms. Vidhi Jain and Mr. Madhav Bajaj,
Advocates for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.10.2023

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1. The present case has been registered as a *suo moto* Public Interest Litigation [“PIL”] by this Court in respect of the well-being of the family members of under trial prisoners as well as convicts. Government of NCT of Delhi [“GNCTD”] as well as Union of India [“UoI”] were directed to file a detailed reply in the matter *vide* order dated 15th February, 2023.



2. Mr. Dayan Krishnan, learned Amicus Curiae, has drawn the attention of this Court to UoI's brief note which highlights a preventive and strategic programme/ campaign undertaken by the National Legal Services Authority ["NALSA"] for the welfare of family members of jail inmates titled, "A Campaign for Legal Assistance to the Family Members of the Prisoners". The salient features of the said programme included, formal interactions with jail inmates and family members, follow-up action on the concerns raised in the said interactions irrespective of the location of the inmate and family, as well assistance in availing benefits available under government schemes. The target group of the campaign included convicts, with remaining imprisonment period of six months and more, and undertrials, having a period of continuous detention for one year or more. A copy of the details of the campaign is also annexed to the note.

3. In an earlier hearing, we were apprised of the "Scheme for Financial Sustenance, Education and Welfare of Children of Incarcerated Parents, 2014" [*hereinafter referred to as "2014 Scheme"*] framed by the Department of Women and Child Development, GNCTD which is specifically designed for financial support, education, and welfare of children with imprisoned parents. Upon review, the Court found that the 2014 Scheme primarily focussed on the children of convicts, leaving out other family members. Moreover, it only catered to convicts residing in Delhi for the past five years. Recognizing these limitations, the Court emphasized the need for a nationwide scheme that would benefit all family members of incarcerated individuals, regardless of the prisoner's location or where the family resides. Mr. Krishnan points out that the program developed by NALSA effectively addresses these concerns, aligning with the Court's directives specified in the



orders from 06th February, 2015 and 18th December, 2017.

4. The UoI's Ministry of Women and Child Development is currently executing a Centrally Sponsored Scheme, the "Integrated Child Protection Scheme" (ICPS). This scheme is designed for children both in conflict with the law and those requiring care and protection, which encompasses children of incarcerated women. Through the ICPS, financial support is extended to State Governments and Union Territories, which facilitates several initiatives. Among these are children's homes that offer shelter, food, and education. Additionally, they provide medical care, vocational training, and counselling. All these efforts aim to ensure the successful reintegration of these children into society. Documentation detailing this scheme is attached to the note submitted by the UoI. Furthermore, the Ministry has also introduced the "Scheme for the Welfare of Working Children in Need of Care and Protection". This initiative offers non-formal education and vocational training to children, assisting them to join or rejoin mainstream education, especially if they have previously had their education interrupted.

5. The note from UoI highlights another program, the "Atal Vayo Abhyudaya Yojana" (AVYAY). This initiative, spearheaded by the Ministry of Social Justice and Empowerment, is tailored for senior citizens. Specifically, elderly parents of prisoners who meet the eligibility criteria can avail benefits under the AVYAY scheme. Documentation detailing this scheme has also been attached to the note for reference.

6. Mr. Anuj Aggarwal, learned counsel for GNCTD has stated before this Court that a committee has been formed for reviewing and amending the 2014 Scheme [*hereinafter referred to as "GNCTD Joint Committee"*].

7. Various Ministries and Departments, including the Ministry of Skill



Development, Ministry of Housing and Urban Affairs, and Ministry of Rural Development, etc. are actively implementing social and developmental schemes. Dependents of prisoners are eligible to benefit from these programs.

8. In light of above, we note that there are already several relevant schemes for the welfare of family members of prisoners, which are currently in operation and thus, we are inclined to close the present proceedings.

9. However, as suggested by Mr. Krishnan we are of the view that directives must be issued to increase awareness and publicity of these existing schemes, ensuring that prisoners and their dependents are fully informed and can readily access the benefits they offer.

10. In our opinion, by ensuring that convicts, undertrials, and their dependents are aware of and can access benefits designed for their welfare will be crucial in rehabilitation and social reintegration. This Court remains hopeful that our directives will pave the way for a more just and compassionate approach toward those impacted by incarceration. Accordingly, following directions are issued:

10.1. The GNCTD Joint Committee is mandated to draft its recommendations regarding the 2014 Scheme within eight weeks from today. Once formulated, these recommendations must be acted upon and implemented within a span of four weeks thereafter.

10.2. NALSA is assigned the responsibility of organizing continuous campaigns, akin to the one referenced in paragraph 2 above. The purpose of these campaigns is to offer support to the family members of incarcerated individuals. A concerted effort must be made to broaden the scope of these campaigns, aiming to reach the maximum number of prisoners and undertrials.



10.3. Prison authorities must prominently display details of welfare initiatives for families of convicts and undertrials. This information should be accessible through various mediums, such as physical notice boards, newsletters, and official websites. Additionally, a system should be established to ensure that this information is communicated to relatives and visitors during their prison visits.

10.4. NALSA is also entrusted with the task of facilitating specialized informational sessions in prisons. These sessions should aim to equip convicts and undertrials with detailed knowledge of welfare schemes beneficial to them and their families. Beyond mere dissemination of information, the sessions should also provide guidance on how best to utilize these welfare schemes. To bolster these efforts, prison authorities are encouraged to not only employ the expertise of the prison staff but also consider the formation of volunteer groups comprising of convicts and undertrials. These groups can play a pivotal role in assisting fellow inmates in tapping into the benefits of the available schemes.

10.5 To ensure the efficacy of the welfare schemes and campaigns, prison authorities should establish a feedback mechanism. This would allow convicts, undertrials, and their families to provide inputs on the benefits and challenges of the schemes, helping to refine and improve them over time. This feedback should be shared with the concerned authorities.

10.6 Considering the digital age, the GNCTD, UoI and prison authorities should also explore the feasibility of developing a mobile application or a dedicated web portal, which could provide comprehensive information on welfare schemes, step-by-step application procedures, and offer digital counselling or assistance towards availing benefits under welfare schemes.



11. Registry is directed to transmit a copy of this order to (i) Home Secretary, Ministry of Home Affairs, Union of India, (ii) Member Secretary, NALSA, (iii) Director General (Prisons), GNCTD, for necessary action.

12. The Court extends its gratitude to the learned Amicus, Mr. Krishnan for his efforts and assistance rendered to this Court.

13. With the aforesaid directions, the PIL is disposed of. Let the files be consigned to the record room.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

OCTOBER 10, 2023

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