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

+ **W.P.(CRL) 123/2025**

SYED AHMAD SHAKEEL

.....Petitioner

Through: Mr. Chinmay Kanojia, Mr. Pravir
Singh and Mr. Nilanjan Dey,
Advocates

Versus

CENTRAL JAIL NO. 8, TIHAR JAIL & ANR.Respondents

Through: None

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **16.01.2025**

CRL.M.A. 1062/2025

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 123/2025 & CRL.M.A. 1063/2025

3. The petitioner has filed the present petition, *inter aila*, challenging the constitutional *vires* of Rule 631 of the Delhi Prison Rules, 2018. The relevant rules is set out below:

“631. The prisoners who are involved in offences against the State, terrorist activities, Maharashtra Control of Organized Crime Act, National Security Advisor, Public Safety Act and otherwise involved in multiple heinous offences such as robbery, dacoity, murder, kidnapping for ransom etc., habitual jail rules offenders and who are frequently involved in assaulting co-inmates in the prison shall not be eligible for this facility in the interest of public safety and order. However, the Superintendent Jail will be empowered to take appropriate decision in individual case to case basis with the prior approval of Deputy Inspector General (Range).”



4. *Prima facie*, the denial of regular telephonic and electronic communication to a prisoner who is involved in terrorist activities and offences such as under the Maharashtra Control of Organized Crime Act and Public Safety Act without adequate safeguards, cannot be considered as arbitrary or unreasonable. Rule 631 of the Delhi Prison Rules, 2018 clearly indicates that such facilities are denied to the prisoners “*in the interest of public safety and order*”. Clearly, the said guiding principles cannot be faulted. The impugned Rule also specifies that the Jail Superintendent is empowered to take appropriate decision in individual cases based on the prior approval of the Deputy Inspector General (Range.). Thus, the denial of the facilities in question is not absolute and is permissible where public interest and safety is not compromised. In cases where providing communication facilities in a regulated manner is not considered to be detrimental to the interest of public safety and order, the impugned Rule accommodates providing such facilities even to prisoners that are involved in the offences as set out in the impugned Rule.

5. Learned counsel for the petitioner submits that a circular dated 02.09.2022 has been issued to streamline and regulate the procedure of inmates phone call system. However, it is stated that the said facility is now restricted to only once a week instead of five calls a week that was being provided earlier. It is stated that other prisoners/undertrials are provided a facility of one call a day.

6. The learned counsel submits that the petitioner too was provided the facility of five calls a week, however, the same is restricted to maximum of once a week by the impugned Rule. He states that after April, 2024, the petitioner has had no contact with the family as he has been denied the said



facility. He also submits that discrimination as to the frequency of communication allowed amongst prisoners would be arbitrary and unreasonable.

7. Issue notice on the aforesaid aspect, returnable on 01.04.2025.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 16, 2025

Ms/yrj

Click here to check corrigendum, if any