

ITEM NO.13

COURT NO.1

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

Writ Petition (Civil) No.1404/2023

SUKANYA SHANTHA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No.263237/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)

Date : 03-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Dr. S. Muralidhar, Sr. Adv.
Mr. Prasanna S., AOR
Ms. Disha Wadekar (vc), Adv.
Mr. M.A. Karthik, Adv.
Ms. Swati Arya, Adv.

For Respondent(s)

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

- 1 An article written by the petitioner, titled "From Segregation to Labour, Manu's Caste Law Governs the Indian Prison System" was published on 10 December 2020. The article has highlighted caste based discrimination which continues to persist in the prisons in the country notably with respect to:

- (i) The division of manual labour;
 - (ii) Segregation of barracks; and
 - (iii) Provisions which discriminate against prisoners belonging to denotified tribes and “habitual offenders” in the State Prison Manuals.
- 2 Dr S Muralidhar, senior counsel appearing on behalf of the petitioner contends that despite the amendments which were made to the State Prison Manuals in accordance with the Model Prison Manuals formulated by the Union Home Ministry, caste discrimination is reinforced across prisons in the States. The petitioner has accordingly sought directions for repeal of the offending provisions in State Prison Manuals.
- 3 Issue notice, returnable on 2 February 2024.
- 4 Service on the Union of India shall be effected through the Central Agency. Liberty to serve the Standing Counsel for the concerned States, or as the case may be, the Union Territories.
- 5 We request Mr Tushar Mehta, Solicitor General to assist the Court in view of the importance of the issue which has been raised.
- 6 Permission is granted on the request of Dr S Muralidhar, senior counsel to file a compilation of documents containing, *inter alia*, the Model Prison Rules and Prison Manuals of the States. The compilation shall also contain a brief note of written submissions and include a tabulated chart indicating the specific areas of discrimination State-wise.
- 7 List the Petition on 2 February 2024.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar

