

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

Writ Petition(s)(Civil) No(s).1404/2023

SUKANYA SHANTHA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 03-10-2024 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, Adv.
Mr. M.a. Karthik, Adv.
Ms. Deeksha Dwivedi, Adv.
Ms. Swati Arya, Adv.
Mr. Maitreya Subramanyam, Adv.
Ms. Pallak Bhagat, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Ms. Aishwarya Bhati, A.S.G.
Mr. Mani Munjal, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. B.k.satija, Adv.
Mr. Rajat Nair, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Pradeep Misra, AOR

Ms. Astha Sharma, AOR
Mr. Himanshu Chakravarty, Adv.
Mr. Sanjeev Kaushik, Adv.
Ms. Ripul Swati Kumari, Adv.

Mr. Mahfooz Ahsan Nazki, AOR
Mr. Subhasish Mohanty, AOR

Mr. Vishnu Sharma, Adv.
Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.
Mrs. Anupama Sharma, Adv.

Dr. Ravindra Chingale, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. D. L. Chidananda, AOR
Mr. Durgesh Ramchandra Gupta, AOR

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

- 1 Hon'ble Dr Dhananjaya Y Chandrachud, Chief Justice of India, pronounced the judgment of the Bench comprising His Lordship, Hon'ble Mr Justice J B Pardiwala and Hon'ble Mr Justice Manoj Misra.
- 2 In terms of the signed reportable judgment, the writ petition is disposed of with the following directions:
 - (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 undertrial 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.

3 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed reportable judgment is placed on the file)