

SUPREME COURT OF INDIA

Khatri

Vs.

State of Bihar

(P. N. Bhagwati and A. P. Sen, JJ.)

Writ Petn. No. 5670 of 1980

19 -12 -1980 and D/- 14 -1 -1981.

JUDGEMENT

P. N. BHAGWATI, J.

(Order dated 19-12-1980):-

1. This case has now come before us after service of notice on the State of Bihar. When this case was taken up for hearing by us on 2nd December, 1980, we expressed our displeasure that the State of Bihar had not chosen to appear in answer to the notice, but this expression of displeasure was made by us on the assumption that the notice was served on the State of Bihar. We are however informed by Mr. K. G. Bhagat, learned advocate, appearing on behalf of the State of Bihar that the notice of the writ petition was served upon the State only on 6th December, 1980 and that is the reason why it was not possible for the State to appear before us on 2nd December, 1980. We accept this explanation offered by Mr. K. G. Bhagat and exonerate the State of Bihar from remissness in appearing before the Court on 2nd December 1980.

2. The State has filed before us a counter affidavit sworn by Tarkeshwar Parshad, Under Secretary, Home (Police) Department of the State Government giving various particulars required by us by our order dated 2nd December, 1980. We have also before us the counter affidavit filed by Jitendra Narain Singh, Assistant Jailer, Bhagalpur Central Jail, on behalf of the State and this affidavit gives certain other particulars required by us. The State has also in addition to these particulars, filed statements giving various particulars in regard to the blinded prisoners drawn from the records of the judicial magistrates dealing with their cases. The District and Sessions Judge has also addressed a letter to the Registrar (Judicial) of this Court stating that for the reasons given in his letter, no inspection of the Bhagalpur Central Jail has been carried out by the District and Sessions Judge in the year 1980. The Registrar (Judicial) has also furnished to us copies of the statements of the blinded prisoners and B. L. Das, former Superintendent of the Bhagalpur Central Jail, recorded by him pursuant to the order of this Court dated 1st December, 1980. Full and detailed arguments have been advanced before us on the basis of the particulars contained in these documents, but we do not, at this stage, propose to deal with the arguments in regard to each of the blinded prisoners and we shall examine only the broad contentions advanced before us, leaving the arguments in regard to each specific blinded prisoner to be dealt with at a later stage when the writ petition again comes up for hearing.

2A. Before we deal with the main contentions urged before us on behalf of the parties, we must dispose of one serious question which raises a rather difficult problem and which has to be resolved with some immediacy. The problem is not so much a legal problem as a human one and it arises because the blinded prisoners who are undergoing treatment in the Rajendra Prasad Ophthalmic Institute, New Delhi are likely to be discharged from that Institute since their vision is so totally impaired that it is not possible to restore it by any medical or surgical treatment, and the question is where they can go. Mrs. Hingorani, on behalf of the blinded prisoners, expressed the apprehension that it may not be safe for them to go back to Bhagalpur, particularly when investigation into the offences of blinding was still in progress and some arrangement should, therefore, be made for housing them in New Delhi at the cost of the State. We cannot definitely state that the apprehension expressed by Mrs. Hingorani is totally unfounded nor can we say at the present stage that it is justified, but we feel that at least until the next date of hearing, it would be desirable not to send the blinded prisoners back to Bhagalpur. We would, therefore, suggest that the blinded prisoners who are discharged from the Rajendra Prashad Ophthalmic Institute, New Delhi should be kept in the Home which is being run by the Blind Relief Association of Delhi on the Lal Bahadur Shastri Marg, New Delhi and the State of Bihar should bear the cost of their boarding and lodging in that Home. We hope and trust and, in fact, we would strongly recommend that the Blind Relief Association of Delhi will accept these blinded prisoners in the Home run by them and look after them until the next hearing of the petition. The State of Bihar will pay by way of advance or otherwise as may be required the costs, charges and expenses of maintaining the blinded prisoners in such Home.

3. The other question raised by Mrs. Hingorani on behalf of the blinded prisoners was whether the State was liable to pay compensation to the blinded prisoners for violation of their Fundamental Right under Article 21 of the Constitution. She contended that the blinded prisoners were deprived of their eyesight by the Police Officers who were Government servants acting on behalf of the State

and since this constituted a violation of the constitutional right under Article 21, the State was liable to pay compensation to the blinded prisoners. The liability to compensate a person deprived of his life or personal liberty otherwise than in accordance with procedure established by law was, according to Mrs. Hingorani, implicit in Article 21. Mr. K. G. Bhagat on behalf of the State, however, contended that it was not yet established that the blinding of the prisoners was done by the Police and that the investigation was in progress and he further urged that even if blinding was done by the police and there was violation of the constitutional right enshrined in Article 21, the State could not be held liable to pay compensation to the persons wronged. These rival arguments raised a question of great constitutional importance as to what relief can a Court give for violation of the constitutional right guaranteed in Article 21. The Court can certainly injunct the State from depriving a person of his life or personal liberty except in accordance with procedure established by law, but if life or personal liberty is violated otherwise than in accordance with such procedure, is the Court helpless to grant relief to the person who has suffered such deprivation? Why should the Court not be prepared to forge new tools and devise new remedies for the purpose of vindicating the most precious of the precious Fundamental Right to life and personal liberty! These were the issues raised before us on the contention of Mrs. Hingorani, and to our mind, they are issues of the gravest constitutional importance involving as they do, the exploration of a new dimension of the right to life and personal liberty. We, therefore, intimated to the counsel appearing on behalf of the parties that we would hear detailed arguments on these issues at the next hearing of the writ petition and proceed to lay down the correct implications of the constitutional right in Article 21 in the light of the dynamic constitutional jurisprudence which we are evolving in this Court.

4. That takes us to one other important issue which arises in this case. It is clear from the particulars supplied by the State from the records of the various Judicial Magistrates dealing with the blinded prisoners from time to time that, neither at the time when the blinded prisoners were produced for the first time before the Judicial Magistrate nor at the time when the remand orders were passed, was any legal representation available to most of the blinded prisoners. The records of the judicial magistrates show that no legal representation was provided to the blinded prisoners, because none of them asked for it nor did the judicial magistrates enquire from the blinded prisoners produced before them either initially or at the time of remand whether they wanted any legal representation at State cost. The only excuse for not providing legal representation to the blinded prisoners at the cost of the State was that none of the blinded prisoners asked for it. The result was that barring two or three blinded prisoners who managed to get a lawyer to represent them at the later stages of remand, most of the blinded prisoners were not represented by any lawyers and save a few who were released on bail, and that too after being in jail for quite some time, the rest of them continued to languish in jail. It is difficult to understand how this state of affairs could be permitted to continue despite the decision of this Court in Hussainara Khatoon's case (1979) 3 SCR 532: (AIR 1979 SC 1369). This Court has pointed out in Hussainara Khatoon's case (supra) which was decided as far back as 9th March, 1979 that the right to free legal services is clearly an essential ingredient of reasonable, fair and just procedure for a person accused of an offence and it must be held implicit in the guarantee of Article 21 and the State is under a constitutional mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so require, provided of course the accused person does not object to the provision of such lawyer. It is unfortunate that though this Court declared the right to legal aid as a Fundamental Right of an accused person by a process of judicial construction of Art. 21, most of the States in the country have not taken note of this decision and provided free legal services to a person accused of an offence. We regret this disregard of the decision of the highest Court in the land by many of the States despite the

constitutional declaration in Article 141 that the law declared by this Court shall be binding throughout the territory of India. Mr. K. G. Bhagat on behalf of the State agreed that in view of the decision of this Court the State was bound to provide free legal services to an indigent accused but he suggested that the State might find it difficult to do so owing to financial constraints. We may point out to the State of Bihar that it cannot avoid its constitutional obligation to provide free legal services to a poor accused by pleading financial or administrative inability. The State is under a constitutional mandate to provide free legal aid to an accused person who is unable to secure legal services on account of indigence and whatever is necessary for this purpose has to be done by the State. The State may have its financial constraints and its priorities in expenditure but, as pointed out by the Court in *Rhem v. Malcolm*, 377 F Supp 995: "the law does not permit any Government to deprive its citizens of constitutional rights on a plea of poverty" and to quote the words of Justice Blackmun in *Jackson v. Bishop*, 404 F Supp 2d, 571: "humane considerations and constitutional requirements are not in this day to be measured by dollar considerations." Moreover, this constitutional obligation to provide free legal services to an indigent accused does not arise only when the trial commences but also attaches when the accused is for the first time produced before the Magistrate. It is elementary that the jeopardy to his personal liberty arises as soon as a person is arrested and produced before a Magistrate, for it is at that stage that he gets the first opportunity to apply for bail and obtain his release as also to resist remand to police or jail custody. That is the stage at which an accused person needs competent legal advice and representation and no procedure can be said to be reasonable, fair and just which denies legal advice and representation to him at this stage. We must, therefore, hold that the State is under a constitutional obligation to provide free legal services to an indigent accused not only at the stage of trial but also at the stage when he is first produced before the magistrate as also when he is remanded from time to time.

5. But even this right to free legal services would be illusory for an indigent accused unless the magistrate or the Sessions Judge before whom he is produced informs him of such right. It is common knowledge that about 70 per cent of the people in the rural areas are illiterate and even more than that percentage of people are not aware of the rights conferred upon them by law. There is so much lack of legal awareness that it has always been recognised as one of the principal items of the programme of the legal aid movement in this country to promote legal literacy. It would make a mockery of legal aid if it were to be left to a poor ignorant and illiterate accused to ask for free legal services. Legal aid would become merely a paper promise and it would fail in its purpose. The Magistrate or the Sessions Judge before whom the accused appears must be held to be under an obligation to inform the accused that if he is unable to engage the services of a lawyer on account of poverty or indigence, he is entitled to obtain free legal services at the cost of the State. Unfortunately, the judicial magistrates failed to discharge this obligation in the case of the blinded prisoners and they merely stated that no legal representation was asked for by the blinded prisoners and hence none was provided. We would, therefore, direct the magistrates and Sessions Judges in the country to inform every accused who appears before them and who is not represented by a lawyer on account of his poverty or indigence that he is entitled to free legal services at the cost of the State. Unless he is not willing to take advantage of the free legal services provided by the State, he must be provided legal representation at the cost of the State. We would also direct the State of Bihar and, require every other State in the country to make provision for grant of free legal services to an accused who is unable to engage a lawyer on account of reasons such as poverty, indigence or incommunicate situation. The only qualification would be that the offence charged against the accused is such that, on conviction, it would result in a sentence of imprisonment and is of such a nature that the circumstances of the case and the needs of social justice require that he should be

given free legal representation. There may be cases involving offences such as economic offences or offences against law prohibiting prostitution or child abuse and the like, where social justice may require that free legal services need not be provided by the State.

6. There are two other irregularities appearing from the record to which we think it is necessary to refer. In the first place in a few cases the accused persons do not appear to have been produced before the Judicial Magistrates within 24 hours of their arrest as required by Art. 22 of the Constitution. We do not wish to express any definite opinion in regard to this irregularity which prima facie appears to have occurred in a few cases, but we would strongly urge upon the State and its police authorities to see that this constitutional and legal requirement to produce an arrested person before a Judicial Magistrate within 24 hours of the arrest must be scrupulously observed. It is also clear from the particulars furnished to us from the records of the Judicial Magistrates that in some cases particularly those relating to Patel Sahu, Raman Bind, Shaligram Singh and a few others the accused persons were not produced before the Judicial Magistrates subsequent to their first production and they continued to remain in jail without any remand orders being passed by the Judicial Magistrates. This was plainly contrary to law. It is difficult to understand how the State continued to detain these accused persons in jail without any remand orders. We hope and trust that the State Government will inquire as to why this irregularity was allowed to be perpetrated and will see to it that in future no such violations of the law are permitted to be committed by the administrators of the law. The provision inhibiting detention without remand is a very healthy provision which enables the Magistrates to keep check over the police investigation and it is necessary that the Magistrates should try to enforce this requirement and where it is found to be disobeyed, come down heavily upon the police.

7. We also cannot help expressing our unhappiness at the lack of concern shown by the judicial Magistrates in not enquiring from the blinded prisoners, when they were first produced before the Judicial Magistrates and thereafter from time to time for the purpose of remand, as to how they had received injuries in the eyes. It is true that most of the blinded prisoners have said in their statements before the Registrar that they were not actually produced before the Judicial Magistrates at any time, but we cannot, without further inquiry in that behalf, accept the ex parte statement of the blinded prisoners. Their statements may be true or may not be true; it is a matter which may require investigation. But one thing is clear that in the case of almost all the blinded prisoners, the forwarding report sent by the Police Officer In Charge stated that the accused had sustained injuries and yet the Judicial Magistrates did not care to enquire as to how injuries had been caused. This can give rise only to two inferences; either the blinded prisoners were not physically produced before the Judicial Magistrates and the Judicial Magistrates mechanically signed the orders of remand or they did not bother to enquire even if they found that the prisoners before them had received injuries in the eyes. It is also regrettable that no inspection of the Central Jail, Bhagalpur was carried out by the District and Sessions Judge at any time during the year 1980. We would request the High Court to look into these matters closely and ensure that such remissness on the part of the judicial officers does not occur in the future.

8. We would also like to advert to one more matter before we close and that is rather a serious

matter. It appears from the record that one blinded prisoner by the name of Umesh Yadav sent a petition to the District and Sessions Judge, Bhagalpur, on 30th July, 1980 complaining that he had been blinded by Shri B. K. Sharma, District Superintendent of Police and since he had no money to prosecute this police officer, he should be provided a lawyer at Government expense so that he might be able to bring the police atrocities before the Court and seek justice. Ten other blinded prisoners also made a similar petition and all these petitions were forwarded to the District and Sessions Judge on 30th July, 1980. The District and Sessions Judge by his letter dated 5th August, 1980, addressed to the Superintendent of the Bhagalpur Central Jail stated that there was no provision in the Code of Criminal Procedure under which legal assistance could be provided to the blinded prisoners who had made a petition to him and that he had forwarded their petitions to the Chief Judicial Magistrate for necessary action. The Chief Judicial Magistrate also expressed his inability to do anything in the matter. It appears that the Superintendent of the Bhagalpur Central Jail also sent the petitions of these blinded prisoners to the Inspector General of Prisons, Patna on 30th July, 1980 with a request that this matter should be brought to the notice of the State Government. The Inspector General of Prisons forwarded these petitions to the Home Department. The Inspector General of Prisons was also informed by three blinded prisoners on 9th September 1980 when he visited the Banka Jail that they had been blinded by the police and the Inspector General of Prisons observed in his inspection note that it would be necessary to place the matter before the Government so that the police atrocities may be stopped. The facts disclose a very disturbing state of affairs. In the first place we find it difficult to appreciate why the Chief Judicial Magistrate to whom the petitions of these blinded prisoners had been forwarded by the District and Sessions Judge did not act upon the complaint contained in these petitions and either take cognizance of the offence revealed in these petitions or order investigation by the higher police officers. The information appearing in these petitions disclosed very serious offences alleged to have been committed by the Police and the Chief Judicial Magistrate should not have nonchalantly ignored these petitions and expressed his inability to do anything in the matter. But apart from that, one thing is certain that within a few days after 30th July, 1980 the Home Department did come to know from the Inspector General of Prisons that according to the blinded prisoners who had sent their petitions, they had been blinded by the Police, and from the inspection note of the Inspector General of Police (Prisons?) it would seem reasonable to assume that he must have brought the matter to the notice of the Government. We should like to know from the Inspector General of Prisons as to who was the individual or which was the department of the State Government to whose notice he brought this matter and what steps did the State Government take on receipt of the petitions of the blinded prisoners forwarded by the Inspector General of Prisons as also on the matter being brought to their attention by the Inspector General of Prisons as observed by him in his inspection note. We should like the State Government to inform us clearly and precisely as to what steps they took after 30th July, 1980 to bring the guilty to book and to stop recurrence of such atrocities. We want to have this information because we should like to satisfy ourselves whether the blindings which took place in October 1980 could have been prevented by the State Government by taking appropriate steps on receipt of information in regard to the complaint of the blinded prisoners from the Inspector General of Prisons. We would direct the State Government to furnish us full and detailed particulars in this behalf before the next hearing of the writ petition.

9. The writ petition will now be taken up for further hearing on 6th January, 1981.

10. **BHAGWATI, J.** (Order dated 14-1-1981):- .

This case comes again before us and the principal question that has been debated on this occasion is whether certain directions given by us by our earlier order dated 19th Dec., 1980, have been carried out by the State of Bihar. We shall presently examine how far and to what extent these directions have been complied with by the State but, before we do so, we must deal with a problem which has arisen on account of the disinclination of the Blind Relief Association, Delhi to keep the blinded prisoners in the Home run by them at Lal Bahadur Shastri Marg, New Delhi. We had suggested in our order dated 19th December, 1980 that the blinded prisoners who are discharged from the Rajendra Prasad Ophthalmic Institute, New Delhi should be kept in the Home which is being run by the Blind Relief Association, Delhi, but it seems that the Blind Relief Association, Delhi has expressed its unwillingness to keep them in the Home run by them. We are told by Mrs. Hingorani appearing on behalf of the petitioners that consequently fifteen blinded prisoners who are discharged from the Rajendra Prasad Ophthalmic Institute have been accommodated temporarily in the Christ Church Hostel while three other blinded prisoners are still undergoing treatment at the Rajendra Parshad Ophthalmic Institute. The question, however, is as to how the cost of lodging and boarding of these fifteen blinded prisoners and possibly also of the remaining three blinded prisoners when they are discharged, is going to be borne and who is going to pay the charges of the Christ Church Hostel. We do not think that this question need detain us because in our order dated 19th December, 1980, we had directed that the State should pay by way of advance or otherwise as may be required, the costs, charges and expenses of maintaining the blinded prisoners in the Home which is being run by the Blind Relief Association, Delhi, and since the blinded prisoners are now being kept in the Christ Church Hostel instead of the Home run by the Blind Relief Association, Delhi, it is but fair, and just that the reasonable costs, charges and expenses of maintaining the blinded prisoners in the Christ Church Hostel should also be paid by the State until they are removed to another place. We would therefore direct that the concerned officer of the State Government should go to the Christ Church Hostel and settle the reasonable costs, charges and expenses of lodging and boarding of the blinded prisoners in the Christ Church Hostel. We are told that there is a blind relief association at Lajpat Nagar, New Delhi which is prepared to admit the blinded prisoners and look after them. We think that it would be desirable to transfer the blinded prisoners from the Christ Church Hostel to the institution which is being run by the Blind Relief Association at Lajpat Nagar, New Delhi so that the blinded prisoners may receive proper vocational training which would relieve, to the extent possible, the hardship and handicap arising out of blindness. We would therefore direct that the blinded prisoners may be removed to the institution run by the Blind Relief Association at Lajpat Nagar, New Delhi and they may be kept in that institution and given proper vocational training at the cost of the State of Bihar. We would also suggest that Mrs. Hingorani as also the State may make efforts to find out if there is any institution for the blind in Bihar which is prepared to keep the blinded prisoners and give them vocational training. If any such institution can be found, we would direct that the blinded prisoners should be taken and kept in such institution at the cost of the State Government. The State Government will bear the cost of maintaining the blinded prisoners in the institution run by the Blind Relief Association at Lajpat Nagar or in any other institution to which the blinded prisoners may be removed pursuant to this order until such time as they are required in connection with the trial of the case against them or until any further order is made by this Court. If for any reason the blinded prisoners have to go back to the Jail, we direct that they should be given proper vocational training in the jail, so that, even in the jail, they can engage themselves in productive activity and earn money for themselves and the members of their families and on discharge from the jail, become useful members of the society, we are told by Mr. K. G. Bhagat,

learned Advocate appearing on behalf of the State of Bihar that on erroneous view of an earlier Order passed by us staying the trial of the blinded prisoners, the police are not proceeding with the investigation of the offences charged against the blinded prisoners and he therefore urged that we should qualify our Order so as to make it clear that the investigation is not enjoined by the Court. We think that the Order made by us is quite clear and it merely stays the trial of the blinded prisoners and does not restrain the police from proceeding with the investigation of the offences alleged to have been committed either by the blinded prisoners or by the police. We are in fact of the view that the investigation of the offences alleged to have been committed whether by the blinded prisoners or by the police should be proceeded with expeditiously and the guilty should be brought to book without any avoidable delay. We would indeed suggest that having regard to the physical handicap from which the blinded prisoners are suffering, investigation into the offences alleged to have been committed by the blinded prisoners as also by the police may be completed and charge-sheet if any may be filed against them, as far as possible, within a period of three months from today we may make it clear that it would be open to the police as also any other investigating Authority to examine the blinded prisoners and record their statements at the place where they are lodged for the time being and if it should become necessary to take them to any place in the Bhagalpur District for the purpose of Investigation it would be open to the State Government to make an application to this Court for permission to do so after giving twenty four hours notice to Mrs. Hingorani, learned Advocate appearing on behalf of the petitioners. We made an Order earlier staying the trial of the blinded prisoners because they were directed to be brought to Delhi for the purpose of treatment at the Rajendra Prasad Ophthalmic Institute and additionally, Mrs. Hingorani wanted to contend that they should not be tried at all for the offences alleged to have been committed by them. We are going to hear the learned Advocates appearing on behalf of both sides on this contention and at the time when we adjudicate upon this contention we shall decide whether the Order made by us staying the trial of the blinded prisoners in case charge-sheet is filed against them, should be vacated or not, but in the meanwhile investigation must proceed and be completed as far as possible within three months from today.

11. We had directed the Registrar (Judl.) by our Order dated 8th January, 1981 to make enquiry from the blinded prisoners who are in the Christ Church Hostel and in the Rajendra Prasad Ophthalmic Institute as to whether they want to remain in Delhi or they want to go back and if so, where. Pursuant to this direction given by us, the Registrar (Judl.) proceeded to make the enquiry and his report shows that out of the fifteen blinded prisoners in the Christ Church Hostel, fourteen want to remain in Delhi while only one namely Lakhi Mahto who is one of the petitioners in Writ Petition No. 5352 of 1980, wants to go back to his village in Bhagalpur District. So far as the other two blinded prisoners in the Rajendra Prasad Ophthalmic Institute are concerned, there is no question of their going back since they would be shortly undergoing operation at the Rajendra Prasad Ophthalmic Institute. There is, according to the report of the Registrar (Judl.), one more blinded prisoner, namely, Baljit Singh who is undergoing treatment for ankle injury at the All India Institute of Medical Sciences and he is thereafter required to undergo treatment at the Rajendra Prasad Ophthalmic Institute and hence he also cannot go back. Since out of the fifteen blinded prisoners in the Christ Church Hostel, fourteen want to remain in Delhi, they may be allowed to continue to remain in Delhi subject to the directions given in the preceding paragraph and so far as the fifteenth blinded prisoner, namely, Lakhi Mahto is concerned, he should be provided by the State, within one week from today, with a ticket and other facilities for going back to his native place in Bihar. The directions given by us earlier in regard to the treatment to be given to the two blinded prisoners in the Rajendra Prasad Ophthalmic Institute and the third blinded prisoner in the

All India Institute of Medical Sciences shall continue to be carried out by the State.

12. It seems that out of the fifteen blinded prisoners who are presently in the Christ Church Hostel, ten have received the sum of Rs. 300/- ordered to be paid to each of them by the State Government, but the remaining five have not yet been paid. We would therefore, direct the concerned officer of the State Government to go to the Christ Church Hostel and pay the sum of rupees three hundred to each of the five remaining blinded prisoners after identification by Reverend Wilson or his wife or Reverend Yusuf Singh who are the persons incharge of the Christ Church Hostel. Since the blinded prisoners have no warm clothing to protect themselves against the cold, we direct that such warm clothing as is ordinarily supplied to prisoners in jails during winter months, should be supplied to the blinded prisoners at the cost of State Government and the appropriate officer of the State Government in Delhi should comply with this direction within three days from today.

13. Mrs. Hingorani appearing on behalf of the petitioners submitted that whilst the eighteen blinded prisoners, fifteen in the Christ Church Hostel, two in the Rajendra Prasad Ophthalmic Institute and one in the All India Institute of Medical Sciences, were in Delhi, they should be got examined by Dr. Madan Mohan of the Rajendra Prasad Ophthalmic Institute for the purpose of obtaining an opinion as to the method and manner in which they were blinded, if it was medically possible to do so. We think that the submission made by Mrs. Hingorani is reasonable and justified and it would definitely help the Court in arriving at a proper determination of the question whether the fundamental right of the blinded prisoners under Article 21 was violated by the blinding effected by the police. We therefore direct that the eighteen blinded prisoners who are in Delhi shall be examined by Dr. Madan Mohan at the Rajendra Prasad Ophthalmic Institute for the purpose of determining, if it is medically possible to do so, as to what was the method or manner in which, in the opinion of Dr. Madan Mohan, these blinded prisoners appear to have been deprived of their vision. We would request Dr. Madan Mohan to give his opinion to us on or before 20th January, 1981. These blinded prisoners will be produced before Dr. Madan Mohan within two days from today.

14. With these directions we adjourn the hearing of the writ petition to 15th January, 1981.

Order accordingly.