

145 CWP-PIL-196-2026

**COURT ON ITS OWN MOTION
V/S
STATE OF PUNJAB AND OTHERS**

Present: Ms. Tanu Bedi, Advocate, (*Amicus Curiae*)
Mr. Akshat Sharma, Advocate and
Mr. Gaurav Mishra, Advocate

Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. Abhinav Sood, Advocate,
Ms. Ekakshra Mahajan Mandhar, Advocate,
Mr. Nitesh Jhahria, Advocate and
Mr. Arsh Bir, Advocate for the respondent-UT, Chandigarh.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Prajwal Chauhan, Central Government Counsel
for the respondents-Union of India.

Mr. Deepak Balyan, Addl. AG, Haryana.
Mr. Avinit Avasthi, Advocate for respondent No.7-PGIMER.

Learned *Amicus Curiae* has pointed out from the affidavit filed by the State of Punjab on the previous occasion that, at the time of entry into jail, 2540 inmates were already registered under the Out Patient Opioid Assisted Treatment Clinic (*OOAT Clinic*) and were being administered tablets/medicines prior to their admission. The number of inmates who presently are drug dependent is 15768. It is, therefore, urged that there has been an 83% increase in the number of jail inmates who are now drug dependent after their lodging in jails.

Prima facie, this indicates a serious malaise.

It shows that not only are those entering jail, drug dependent, but there is a growth of almost 4-5 times in the number of jail inmates who become drug dependent after their entry into jail.

There is no indication as to how the lives of these persons are to be protected, inasmuch as continued drug dependence would lead them to

further crises in their lives and, in the absence of any strategy followed by the concerned authorities to bring such persons out of drug dependence, the inmates will never be able to avail of the right to life, which is one of the fundamental rights guaranteed by the Constitution of India.

Learned *Amicus Curiae* has also invited our attention to Rule 29.22 of the Punjab Prison Rules (notified in the year 2022), as per which a scientific de-addiction programme for drug addicts is required to be implemented to cure the addicts and restore them to society as useful citizens.

We require the State of Punjab to clarify what action has been taken by it since the implementation of the aforesaid Rules over a period of nearly four years.

An affidavit has been filed by the State of Haryana, which is taken on record. The Registry is directed to do the needful.

Perusal of the affidavit reveals that out of the total jail inmates numbering 27111, the number of jail inmates who are undergoing treatment for drug dependence is 1295. The affidavit further shows that the earlier number was 1829 and it has been brought down to 1295 after treatment was made available to them, thereby showing a reduction in the number of patients by 534. It is also stated that a Standard Operating Procedure (**SOP**) formalized by the State of Haryana on 23.02.2026 is presently in place. This SOP refers to the provision of counselling as well as other medical treatments for drug-dependent jail inmates.

The affidavit, however, is silent as to whether trained counsellors are available in all jails, wherever required, to treat such drug-dependent inmates or not. The manner in which the SOP has been

implemented shall also be clarified by filing a further affidavit by the State of Haryana.

We also require the authorities of the Union of India to place on record the methodology suggested for bringing such drug-dependent inmates to a state of normalcy.

Mr. Avinit Avasthi, learned counsel, entered appearance on behalf of respondent No.7-PGIMER and has filed a power of attorney, which is taken on record. The Registry is directed to do the needful.

As has already been indicated above, we also request the Director, PGIMER, Chandigarh, to ensure that an affidavit is filed by the departmental head for the guidance of the relevant authorities about the manner in which drug-dependent jail inmates could be helped so that normalcy is restored for them.

The medical protocol for such patients shall be clearly outlined.

We require that the affidavits, in terms of the above observations, be served upon the learned *Amicus Curiae* positively before the next date of hearing.

We may indicate that this is a serious issue, and we expect the authorities to remain alive to their obligations to help such inmates in securing their right to life under the Constitution of India.

Adjourned to **15.09.2026**.

To be shown in the “Urgent List”.

[ASHWANI KUMAR MISHRA]
CHIEF JUSTICE

[ROHIT KAPOOR]
JUDGE

SEPTEMBER 08, 2026
Rahul Joshi