

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(s) (Civil) No(s). 406/2013

IN RE-INHUMAN CONDITIONS IN 1382 PRISONS Petitioner(s)

VERSUS

. & ORS.

Respondent(s)

([MR. GAURAV AGRAWAL, ADVOCATE IS AMICUS CURIAE.]
IA No. 36553/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 23-04-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

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By Post, AOR

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Mrs. Abha Jain, AOR

Ms. Kamlesh Jain, Adv.

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

1. Shri Gaurav Agrawal, learned Amicus Curiae states that he has filed a brief note for today's hearing and has summarized the details of the information received in respect of the States of Bihar, Uttar Pradesh, Punjab and Chhattisgarh.
2. He submits that detailed reports have also been received from six other States, namely, (1) Andhra Pradesh, (2) Haryana, (3) Maharashtra, (4) Odisha, (5) West Bengal and (6) Madhya Pradesh. Some time is sought to examine the said affidavits and submit a report within two weeks.
3. Learned Amicus Curiae points out that reports are still awaited from nine

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States, namely, (1) Telangana, (2) Kerala (3) Karnataka, (4) Jharkhand, (5) Rajasthan, (6) Himachal Pradesh, (7) Assam, (8) Tamil Nadu and (9) Gujarat.

4. Learned counsel appearing for the aforesaid State Governments have been cautioned to take the matter seriously and file their reports, if not already filed, within two weeks from today with copies furnished to the learned Amicus Curiae. The reports shall be filed on affidavits sworn by the respective Chief Secretaries of the concerned States. The said reports shall not only collate information on the facilities that are lacking in jails and the recommendations made by the Committee, but also furnish specific information on the action proposed to be taken within a fixed timeline to address the issues raised.

5. As regards the States/Union Territories of (1) Sikkim, (2) Manipur, (3) Goa, (4) Mizoram, (5) Andaman and Nicobar, (6) Meghalaya, (7) Ladakh, (8) Nagaland and (9) Tripura, it is submitted that the prison population in the said States/UTs is not very large. However, some recommendations have been made by the Committees of each of the aforesaid States/UTs and it is now for the State Governments/UTs to examine the said recommendations and take action on the same.

6. The respective Chief Secretaries of the aforesaid States/UTs shall examine the recommendations made and file their affidavits specifying the time lines within which the recommendations shall be implemented.

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7. It has been brought to our notice that in some States the District Magistrates and Superintendent of Police, who are a part of the Committees constituted by this Court have not been participating in the deliberations despite direction issued. All the Members, who have been appointed to the Committees shall ensure that they participate in the meetings that are conducted so that a comprehensive report can be submitted to the Court, after being examined by the Chief Secretaries of the respective States Governments, who shall then file affidavits as to the manner in which implementation of the said recommendations shall be made within fixed timeline.

8. Coming back to the summary of the reports prepared by the learned Amicus Curiae in respect of the States of Bihar, Uttar Pradesh, Punjab and Chhattisgarh, we find that except for referring to the recommendations made by the respective Committees, none of the aforesaid State Governments have filed affidavits through their Chief Secretaries setting out the manner in which the said recommendations shall be implemented and the timelines within which the same shall be done.

9. The Chief Secretaries of the States of Bihar, Uttar Pradesh, Punjab and Chhattisgarh shall file their respective affidavits mentioning the milestones for implementing the recommendations made by the Committees along with the relevant details.

10. Similarly, wherever reports have been received but the timelines for

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implementation of the recommendations of the Committees have not been mentioned, the Chief Secretaries of the respective State Governments/UTs shall file additional affidavits stating *inter alia* the manner in which implementation shall be made along with the milestones. The said affidavits shall be filed within two weeks from today.

11. Learned Amicus Curiae points out that there is some ambiguity in the affidavit filed by the State of U.P. The same shall be closely examined by the learned Additional Advocate General and a response be given directly to the learned Amicus Curiae.

12. List on 14th May, 2024, at the top of the Board.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NAND KISHOR)
COURT MASTER (NSH)