

ITEM NO.69

COURT NO.3

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(s)(Civil) No(s). 1082/2020

SUHAS CHAKMA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(Shri Vijay Hansaria, Senior Advocate (Amicus Curiae) Shri K. Parameshwar, Advocate (Amicus Curiae) (IA No. 105557/2020 - EARLY HEARING APPLICATION, IA No. 95785/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Mr. K. Parameshwar, leaned A.C.  
Mr. M.V. Mukunda, Adv.  
Ms. Kanti, Adv.  
Ms. Aarti Gupta, Adv.  
Mr. Chinmay Kalgaonkar, Adv.  
Mr. Raji Gururaj, Adv.

Mr. Satish Pandey, AOR

For Respondent(s)

Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Polanki Gowtham, Adv.  
Mr. Kv Girish Chowdary, Adv.  
Mr. T Vijaya Bhaskar Reddy, Adv.  
Ms. Rajeswari Mukherjee, Adv.  
Mr. Meeran Maqbool, Adv.  
Ms. Archita Nigam, Adv.

Mr. Kartikeya Rastogi, Adv.  
Mr. Inderdeep Kaur Raina, Adv.  
Mr. Akshay Girish Ringe, AOR

Mr. Pukhrambam Ramesh Kumar, AOR  
Mr. Karun Sharma, Adv.  
Ms. Anupama Ngangom, Adv.  
Ms. Rajkumari Divyasana, Adv.  
Ms. R.ajaselvan, Adv.

Mr. Raghvendra Kumar, AOR  
Mr. Anand Kumar Dubey, Adv.  
Mr. Devvrat Singh, Adv.  
Mr. Simanta Kumar, Adv.  
Mr. Varun Singh, Adv.

Ms. Rashmi Nandakumar, Adv.  
Ms. Yashmita Pandey, Adv.

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

1. Vide order dated 9<sup>th</sup> May 2024 we had flagged the issue with regard to the open air camps/institutions/prisons, etc.
2. Shri K. Parameshwar, learned Amicus Curiae submits that a model draft manual has been prepared by the Union of India wherein the nomenclature 'Open Correctional Institutions' is used for such facilities.
3. The data put on record wherein such Open Correctional Institutions are shown to be functioning in different names, would further show that the said institutions are not being utilized to their optimum capacity.
4. The learned Amicus Curiae submits that strengthening of the Open Correctional Institutions, apart from addressing the present issue of overcrowding of prisons, would also help in the rehabilitation of prisoners and do away with caste

discrimination faced by them.

5. Taking into consideration the importance of the matter, we request Shri K. Parameshwar, the learned Amicus Curiae and Ms. Rashmi Nandakumar, learned counsel appearing for the NALSA, to jointly prepare and circulate a questionnaire to obtain information from all the States in respect of the status and functioning of the Open Correctional Institutions.

6. We direct four States i.e. Rajasthan, Maharashtra, Kerala and West Bengal, where such facilities are functioning most robustly, to share their best practices, applicable rules, guidelines and experience on setting up expansion and management of the Open Correctional Institutions with the NALSA.

7. The Registry shall communicate this order to the Chief Secretary of the States of Rajasthan, Maharashtra, Kerala and West Bengal for compliance.

8. We further direct the Ministry of Home Affairs to present a status report on recent developments in respect of the Open Correctional Institutions after coming of the Model Prison Manual, 2016 and the Model Prisons and Correctional Services Act, 2023.

9. We are also informed that there is a proposal to reduce the area at Sanganer Open Air Camp at Jaipur. We thus direct that there shall be no attempt of reduction in area of open

air camps/institutions/prisons, wherever they are functioning.

10. Insofar as the modalities for visitation by lawyers in jail is concerned, Ms. Rashmi Nandakumar, learned counsel appearing for the NALSA states that she has modified the format of letter to be filled jail visiting lawyer. The same is taken on record and approved.

11. List this matter in the second week of July, 2024.

(DEEPAK SINGH)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)