

ITEM NO.11.1

COURT NO.2

SECTION PIL-W/II-C

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

SUO MOTO WRIT PETITION (CRIMINAL) 4/2021

IN RE POLICY STRATEGY FOR GRANT OF BAIL

Petitioner(s)

VERSUS

Respondent(s)

(MR. GAURAV AGRAWAL, ADV. IS AMICUS CURIAE[ONLY SLP (CRL.) NO. 529/2021 IS LISTED UNDER THIS ITEM])

WITH

SLP(Crl) No. 529/2021 (II-C)

(FOR ADMISSION AND I.R AND MR. NEERAJ KUMAR JAIN, SR. ADVOCATE (A.C.), MR. GAURAV AGRAWAL, ADVOCATE FOR NATIONAL LEGAL SERVICES AUTHORITY, MR. DEVANSH A. MOHTA, ADVOCATE (A.C.), MR. ABHIMANYU TEWARI, ADVOCATE FOR STATE OF ARUNACHAL PRADESH, MR. YOGESH KANNA, ADVOCATE FOR STATE OF TAMIL NADU, MR. CHANCHAL K. GANGULI, Advocate for STATE OF WEST BENGAL, MRS. NIRANJANA SINGH Advocate for State of Bihar, MR. MILIND KUMAR, ADVOCATE FOR STATE OF RAJASTHAN, MR. NIKHIL GOEL, ADVOCATE FOR HIGH COURT OF GUJRAT, MAHFOOZ A NAZKI FOR STATE OF ANDHRA PRADESH, MR. SACHIN PATIL FOR STATE OF MAHARASHTRA, MR. SUBHRANSHU PADHI FOR STATE OF KARNATAKA, MR. GARVESH KABRA FOR STATE OF UP, MR. G.S MAKKER FOR ANDAMAN AND NICOBAR ISLANDS, MR. HARSHAD V HAMEED FOR STATE OF KERALA, MR. SHOVAN MISHRA, ADVOCATE FOR STATE OF ODISHA, DR. MONIKA GUSAIN, ADVOCATE FOR STATE OF HARYANA AND MR. ABHINAV MUKERJI, ADVOCATE FOR STATE OF HIMACHAL PRADESH, Mr. Aaditya Aniruddha Pande, Advocate for State of Maharashtra, Mr. Pukhrambam Ramesh Kumar, Advocate for State of Manipur, Ms. Swati Ghildiyal, Advocate for State of Gujarat, Mr. Shuvodeep Roy, Advocate for State of Assam, Mr. Pashupatinath Razdan, Advocate for State of MP. [FOR FURTHER DIRECTIONS])

Date : 12-04-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE ARAVIND KUMAR

Mr. Devansh A. Mohta, Adv. (AC)

Mr. Neeraj Kumar Jain, Sr. Adv. (AC)
Mr. Sanjay Singh, Adv.

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Bihar	Mr. Saket Singh, Adv. Mrs. Niranjana Singh, AOR Mr. Yogesh Kanna, AOR
Rajasthan	Mr. Milind Kumar, AOR
Karnataka	Mr. Subhranshu Padhi, AOR Mr. Sachin Patil, AOR
Gujarat	Ms. Swati Ghildiyal, Adv. Ms. Shravya Pathak, Adv.
MP	Mr. Yashraj Singh Bundela, Adv. Mr. Pashupati Nath Razdan, AOR Mr. Astik Gupta, Adv. Ms. Ayushi Mittal, Adv, Mr. Vipul Abhishek, Adv.
Assam	Mr. Shuvodeep Roy, AOR

UPON hearing the counsel the Court made the following

O R D E R

SLP(CrI) No. 529/2021

E-PRISON MODULE

Mr. Devansh A. Mohta, learned Amicus Curiae has taken us through his report dated 28.03.2023 qua the aspect of implementation of e-prison module by SLSA/HCLSC/DLSA. One of the issues flagged is that to implement the e-prison module, in para 4 that has been categorized in two categories as under:

- (i) Category A: Authorities who have implemented the "pilot project" ("Category A Authorities"). The List is annexed and marked as [Annexure2]
- (ii) Category B: Rest of the Authorities not falling in Category A ("Category B Authorities").

It is in the aforesaid context that it has been submitted that Category A Authorities are either collating or have already collated data regarding criminal appeals and bail applications process as part of the pilot project and thus they should be requested to coordinate with the prison department and forward the collated data for updating the e-prison module.

The steps taken by Karnataka Legal Services Authorities/Karnataka High Court Legal Services Committee are expected to lead guidance.

We thus consider appropriate to direct that there should be a coordination with the prison department and the collated data should be forwarded for updating the e-prison module.

Simultaneously, insofar as the category B Authorities are concerned, they should collate the data regarding the criminal appeals and bail applications process in a similar manner as Category A for which coordination with the prison department and forwarding data for updating would be required.

Learned Amicus Curiae has sought directions as set out in para 32 in the following terms:

(i) The pilot project and the e-prison module may be extended to the remaining (Category B) SLSA/HCLSC/DLSA.

(ii) The State Governments may be directed to report compliance regarding the e-prison update module.

In order to facilitate the process as mentioned aforesaid, we accept the suggestion and issue the aforesaid directions.

One other suggestion made in para 30 is as under:

"It is respectfully submitted that populating the E-Prison portal with details perfectly entered would be the only way to render this data dynamic and ready for optimum utilisation. Thus, it is respectfully submitted that adoption of information sharing protocol may be necessary in order to ensure that Case Record and Prison Record is not only fully integrated but timely updated."

It is thus suggested that the NIC may look into the aspect of such adoption of information sharing protocol and a draft in pursuance thereto may be prepared and placed before this Court with advance copies to the learned Amicus Curiae. We order accordingly.

A copy of the order be sent to the NIC.

List on 25.07.2023 when other aspects will also be monitored.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)