

ITEM NO.5

COURT NO.11

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 406/2013

RE-INHUMAN CONDITIONS IN 1382 PRISONS

([TO BE TAKEN UP AT 2:00 P.M.]

(MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE.)

Date : 30-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s)

Amicus Curiae

By Post, AOR

Mr. Gaurav Agrawal, Sr. Adv.

For States and UTs

Andhra Pradesh - R1

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

Assam - R2

Mr. Shuvodeep Roy, AOR
Mr. Kabir Shankar Bose, Adv.
Mr. Saurabh Tripathi, Adv.

Arunachal Pradesh - R3

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Bihar - R4

Mr. Devashish Bharuka, AOR

Chattisgarh - R5

Ms. Pragati Neekhra, AOR
Mr. Aditya Bhanu Neekhra, Adv.
Mr. Aniket Patel, Adv.

Gujarat - R6

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Ms. Neha Singh, Adv.

Goa - R7

Mr. Surjendu Sankar Das, AOR
Mr. Anand Murthi Rao, Adv.

Haryana - R8

Mr. B.K. Satija, A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Keshav Mittal, Adv.
Ms. Sabarni Som, Adv.

Jammu and Kashmir - R9

Mr. Parth Awasthi, Adv.
Mr. Pashupathi Nath Razdan, AOR
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.
Mr. Argha Roy, Adv.

Himachal Pradesh - R10

Mr. Rishi Malhotra, AOR

Jharkhand - R11

Mr. Tapes Kumar Singh, AOR

Karnataka - R12

Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.

Kerala - R13

Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

Madhya Pradesh - R14

Mr. Harmeet Singh Ruprah, D.A.G.
Ms. Mrinal Gopal Elker, AOR
Mr. Saurabh Singh, Adv.
Mr. Ashish Rawat, Adv.

Maharashtra - R15

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Raavi Sharma, Adv.
Mr. Adarsh Dubey, Adv.

Manipur - R16

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Rajkumaridivysana, Adv.
Mr. R.rajasekharan, Adv.

Meghalaya - R17

Mr. Avijit Mani Tripathi, AOR
Mr. Upendra Mishra, Adv.
Mr. P.S. Negi, Adv.
Mr. Ashish Ranjan, Adv.
Mr. Vijay Pratap Singh, Adv.

Mizoram - R18

Mr. Siddhesh Shirish Kotwal, AOR

Nagaland - R19

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Odisha - R20

Ms. Anindita Pujari, AOR
Ms. Radhika Mohapatra, Adv.
Mr. Shaileshwar Yadav, Adv.
Ms. Bhoomika Chouksey, Adv.

Punjab - R21

Mr. Karan Sharma, AOR
Mr. Mohit Siwach, Adv.
Mr. Rishabh Sharma, Adv.
Ms. Princy Sharma, Adv.

Rajasthan - R22

Dr. Manish Singhvi, Sr. Adv.
Mr. Sandeep Kumar Jha, AOR

Sikkim - R23

Mr. Raghvendra Kumar, AOR

Tamil Nadu - R24

Mr. Amit Anand Tiwari, Sr. A.A.G.
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Ms. Devyani Gupta, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Naman Dwivedi, Adv.
Mr. C Kranthi Kumar, Adv.
Ms. Tanvi Anand, Adv.
Mr. Danish Saifi, Adv.
Ms. V Keerthana, Adv.

Tripura - R25

Mr. Shuvodeep Roy, AOR

Uttarakhand - R26

Mr. Siddharth Sangal, AOR
Ms. Richa Mishra, Adv.
Mr. Chirag Sharma, Adv.
Ms. Harshita Agrawal, Adv.

Uttar Pradesh - R27

Ms. Garima Prasad, Sr. A.A.G.
Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Manoj Kumar Sharma, Adv.
Mr. Suraj Singh, Adv.

West Bengal - R28

Ms. Astha Sharma, AOR
Ms. Muskan Surana, Adv.

**Andaman and Nicobar
Islands and NCT of Delhi - Rs.29 & 33**

Mrs. Aishwariya Bhati, A.S.G.
Col. R. Balasubramaniam, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Suhasini Sen, Adv.
Mr. Kamlesh Mishra, Adv.
Mr. Ishaan Sharma, Adv.
Mrs. Indira Bhakar, Adv.
Mrs. Mrinal Elkar Mazumdar, Adv.
Mr. Harish Pandey, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Yogya Rajpurohit, Adv.
Mr. Vineet Singh, Adv.

Telangana - R36

Mr. Rajiv Kumar Choudhry, AOR

**For Intervener(s)
Ministry of Women
and Child Development
in (IA 7/2017)**

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Kamendra Mishra, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Sarthak Karol, Adv.
Ms. Ameyvikrama Thanvi, Adv.

Mr. Gaurav Agrawal, Sr. Adv. (A.C)

Impleader

Ms. Aishwarya Bhati, A.S.G.
Dr. Reeta Vasishta, Adv.
Mrs. Suhashini Sen, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. B K Satija, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Kartikay Agrawal, Adv.

Mr. Abhishek Kumar Pandey, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Raman Yadav, Adv.
Ms. Sonali Jain, Adv.
Mr. Arvind Kumar Sharma, AOR

for Intervener(s)
Common Wealth Human
Rights Initiative (IA 2/2016)

Mr. Chandra Prakash, AOR

For applicant in
IA No. 105821/2018 and IA No. 6485/2019

Mr. Salvador Santosh Rebello, AOR
Mr. Raghav Sharma, Adv.
Mr. Deepanshu Raj, Adv.
Mr. Mr. Rajat Sharma, Adv.
Ms. Ms. Kritika Grover, Adv.
Mr. Jaskirat Singh, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Suhasini Sen, Adv.
Mr. Kamlesh Mishra, Adv.
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Mrs. Mrinal Elkar Mazumdar, Adv.
Mr. Harish Pandey, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Yogya Rajpurohit, Adv.
Mr. Vineet Singh, Adv.

For National Forum
for Prison Reform
(Intervenor in IA 6/2016)

Mr. Durgesh Ramchandra Gupta, AOR
Mr. Ajay Verma, Adv.
Mr. Vaishnav Kirti Singh, Adv.

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

1. At the very outset, Registry is directed to correct the cause title of the

case in hand as “IN RE – INHUMAN CONDITIONS IN 1382 PRISONS”.

2. On the last date of hearing, all the State Governments/Union Territories were called upon to furnish details as mentioned in paragraph 3 of the said order. Barring for the States of Maharashtra and Jharkhand, all the remaining States Governments/Union Territories have furnished the requisite information. Based on the said information, Mr. Gaurav Agrawal, learned Senior counsel (Amicus Curiae) has prepared two compilations summarizing the responses received from the State Governments/Union Territories.

3. A detailed compilation has been prepared collating the input received on the number of Central Jails/District Jails/Sub-Jails in each State/Union Territory and the response of the State Governments/Union Territories regarding the steps taken to set up more jails. A perusal of the statements prepared shows that there is hardly any proposal worth the while that has come from the States of Bihar, Rajasthan, Karnataka and Madhya Pradesh. In some cases, the State Governments have furnished collective information instead of giving a District-wise breakdown of the capacity/occupancy of each jail, which makes it difficult for this Court to assess the extent of occupancy *vis-à-vis* the permissible capacity on a jail-wise basis. Further, in some cases it has simply been stated by the concerned State Governments that “work is under progress” for constructing more jails without furnishing the stage of the

said progress.

4. In the first instance, it is deemed appropriate to impose costs of ₹10,000/- (Rupees Ten Thousand) each on the States of Maharashtra and Jharkhand for non-compliance of the order passed on 14th December, 2023. The costs shall be deposited with the Supreme Court Group 'C' (Non-Clerical) Employees Welfare Association within four weeks.

5. On going through the compilation of responses received from the State Governments/Union Territories and it appears that in most cases, the extent of overcrowding in the Central Jails/District Jails/Sub-Jails is over 10% of the permitted capacity. In some cases, the occupancy *vis-à-vis* the actual capacity of jails exceeds 40% to 50%. These figures are stark and worrying. They need to be addressed on priority.

6. On carefully examining the information furnished in the compilations and recommendations made by the learned Amicus Curiae, we are of the opinion that it would be appropriate to issue directions to constitute a Committee in each District of the States/Union Territories to do the following:

- (i) Assess the available infrastructure in jails and take a decision on the number of additional jails to be constructed in the Districts;
- (ii) to assess the current capacity of the existing jails and requirement of

constructing more jails or enhancing the capacity of existing jails to meet the standard laid down in the Model Prison Manual, 2016.

(iii) Besides the above, the Committees shall also keep in mind the requirement of incorporating Artificial Intelligence and introducing video conferencing for conducting Mulakaats and tele-medicine facilities for the ease of the inmates.

7. Each State Government/Union Territory is directed to set up a Committee comprising of (i) Principal/District Judge (Chairperson of the District Legal Services Authority), (ii) District Magistrate (Incharge Administrative Head of the District on Executive Side), (iii) Senior Superintendent/Superintendent of Police, (iv) Secretary of the District Legal Services Authority and (v) Superintendent(s) of Jail. The said Committee shall be notified by the State Governments/Union Territories within one week from the date of receipt of this order. The Secretary of the DLSA shall be the convenor of the Committee. The Committees shall convene the first meeting within two weeks from the date of their constitution.

8. The Committees shall initiate steps to examine the requirement of expanding the existing jails and acquiring land to set up new jails within the District, depending on the current capacity, occupancy and future demands of the District and come up with firm proposals. The Committees will also take an update on the status of all the ongoing projects/proposals that are pending in the Districts and ensure that milestones are set down for completing the

ongoing projects. Wherever a project has yet to take off for want of land, steps be taken identify the land for the purposes of acquisition and the report be tabled before the Chief Secretary, of the State Government/Union Territory for obtaining necessary approvals and fast tracking the process. The Committees are permitted to examine the needs of the respective Districts and make proposals over and above of those that have been laid down the Model Prison Manual. However, the minimum requirements prescribed under the said Manual shall not be compromised. Future projections shall span over in a period of at least 50 years for implementation.

9. A Fresh Status Reports shall be filed by all the State Governments/Union Territories on or before 05th April, 2024. An affidavit shall be filed by Chief Secretary of each State /Union Territory with all the requisite information as directed ordered above, within the same time line.

10. List on 09th April, 2024, at 2.30 p.m.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)