

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR

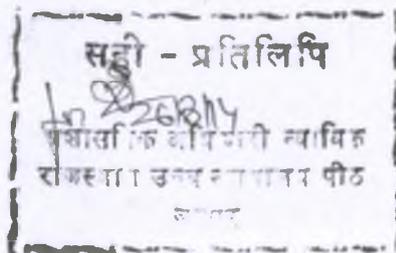
D.B. Civil Writ Petition (PIL) No. ²⁸⁰⁸_____/2017

Suo Motu

Versus

1. The State of Rajasthan through its Additional Chief Secretary, Home Department, Government of Rajasthan, Government Secretariat, Jaipur,
2. The Principal Secretary to the Government, Finance Department, Government of Rajasthan, Government Secretariat, Jaipur.
3. The Principal Secretary to the Government, Medical and Health Department, Government of Rajasthan, Government Secretariat, Jaipur.
4. The Secretary to the Government, Department of Technical Education, Government of Rajasthan, Government Secretariat, Jaipur
5. The Director General (Prisons) State of Rajasthan, Jaipur
6. The Director, Local Bodies and Local Self Department, Government of Rajasthan, Jaipur
7. The Deputy Director General, National Informatics Center, Government Secretariat, Jaipur

...Respondents



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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
D.B. Civil writ Petition (PIL) No.2808/2012

Suo Motu Vs. State of Rajasthan and
others

Date of Order ::: 14.03.2014

Present
HON'BLE THE CHIEF JUSTICE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

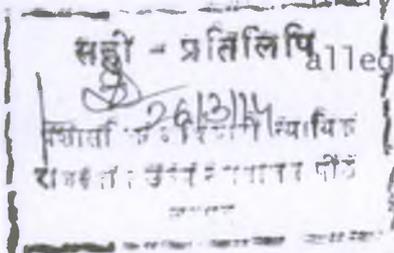
Suo Motu
Shri Prateek Kasliwal, Amicus Curiae
Shri J.M. Saxena, Additional Advocate General for the
respondents State

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By the Court:-

This writ petition has been registered as a 'Public Interest Litigation' on suo motu cognizance taken by this court on 28.02.2012 on the basis of media reports that prisoners in different jails of the State are possessing mobile handsets inside the jails and directing the offences to be committed from there. Since then the periodical reports have been filed by the Director General (Prisons) of the State in compliance of different orders passed in the matter, apprising the court of the steps taken to check the said menace and to ensure that no prisoner retains mobile handset, mobile chip or any other gadget inside the jail premises.

We have been receiving number of letters from inmates of central/district jails of the State, complaining about unsatisfactory conditions prevalent in jails of the State. Some of these complaints are sent individually and some jointly by number of prisoners, alleging inter-alia about inhuman conditions in which the



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prisoners are made to live, lack of - sanitation, cleanliness, proper facilities of toilets and bath-rooms, medical care, as also about poor quality of food, overcrowding of barracks etc. Complaints have also been received with regard to non-convening of periodical meetings of the advisory committees for releasing the prisoners on parole, granting them benefit of remission and transfer to open air jail camps. These complaints are mostly addressed to the Chief Justice of this Court.

Considering that already in this matter one issue with regard to different jails of the State is under examination, we have thought it appropriate to expand the scope of the present suo motu petition so as to cover all aforesaid issues. Our endeavour is to impress upon the State Government to speedily introduce the jail reforms, which issue has since long remained neglected, because the prisoners, since they are viewed as criminals, have no voice. Even if they try to give vent to their grievances, their voice remains unheard.

In order to comprehend the magnitude of problem, we, in the first instance, deem it appropriate to ascertain the situation prevalent in different central jails located at divisional headquarters of the State i.e. Jaipur, Jodhpur, Udaipur, Ajmer, Bikaner, Kota, Bharatpur. We, therefore, direct the District and Sessions Judges as well as Chief Metropolitan/Judicial Magistrates of these Districts, to make sudden inspection of the central jails on any day within next six weeks. They may for this purpose privately interview as many as prisoners as they may consider necessary and submit their report to this court on the following aspects:-



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A. SANITATION:-

- (i) whether barracks, toilets and bathing facilities in the jail campus are regularly cleaned?
- (ii) whether filth and garbage is regularly removed from the jail premises?
- (iii) Are there sufficient toilets in the jails? what is the condition of water taps in the toilets? whether the toilets are having doors? whether European flush toilet system is there in the jails? whether the same are functional or chocked?
- (iv) If there are bathrooms, what are the number of bathrooms or the prisoners made to bath out in open?

B. FOOD:-

- (i) what is the quality of food? what is served to the prisoners during breakfast, lunch and dinner?
- (ii) Are there sufficient appliances and utensils available in the kitchens?
- (iii) whether prisoners are served with sweets on any given day of the week?
- (iv) Are there any trained cooks or the prisoners are made to prepare their food? If so, are they trained for doing so? whether they earn remission for rendering such services?
- (v) what is the ratio of the number of hearths vis-à-vis number of prisoners? In other words, food of how many prisoners is cooked at a time? whether vegetables, pulses etc. are cooked for large number of prisoners at one go or on four or five different hearths?

C. HEALTH-CARE:-

- what is the condition of health care of prisoners? whether the jail inmates are regularly subjected to medical checkup and if so how often?
- (ii) what diseases are commonly prevalent in jails, such as depression, tuberculosis, skin disorders etc.?
 - (iii) whether they are periodically subjected to medical checkup for vision of their eyes and dental care?
 - (iv) Are there sufficient number of medical officers?



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Are there sanctioned posts of psychologist, psychiatrists, pharmacists, nursing staff?

- (v) Are there basic facilities of diagnosis and investigation, such as X-ray, sonography, ECG, Ultrasound Nebulizer, Stabilizer, dental care etc.?
- (vi) Is there proper building for dispensary and indoor patients?
- (vii) Is the facility of ambulance available in the jails and if so, are they functional?
- (viii) whether any Yoga classes takes place in the jail campuses to help the inmates release mental stress?
- (ix) How many prisoners died in jail while serving their sentence during last ten years and what was the cause of their death?

D. RECREATIONAL ACTIVITIES:-

- (i) Are there libraries in the jails and, if so, are they having sufficient books, novels, magazines and newspapers?
- (ii) Are sufficient number of newspapers, magazines provided in each barrack?
- (iii) whether movies or films are periodically shown to the inmates?
- (iv) whether jail inmates are involved in recreational activities like drama, singing, debates etc.?
- (v) What are the facilities for sports and games to the inmates of the jails so as to keep them engaged?

E. EDUCATIONAL ACTIVITIES:-

- (i) what is the arrangement for holding adult educational classes? whether educated prisoners are engaged in taking classes for illiterate or semi-literate prisoners?
- (ii) whether industrial training institutes are set up in jail premises and, if so, what are the trades in which diplomas are awarded? Is there any need for identification of new trades based on interest of prisoners?
- (iii) whether the facility of distant education is provided and the prisoners are encouraged for the same? whether study material or tutorials on



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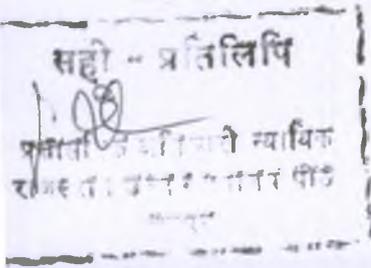
education etc. is provided to prisoners?

F. VOCATIONAL ACTIVITIES:-

- (i) what are the vocational activities, in which the prisoners, especially those convicted with rigorous imprisonment, are engaged?
- (ii) what are the rates at which the prisoners are paid on daily wages basis?
- (iii) when were such rates last revised and how commensurate they are with the minimum wages prescribed by the State for skilled, semi-skilled or unskilled labour?
- (iv) whether those convicted with simple imprisonment provided opportunity to work?
- (v) what consumer products are manufactured/prepared by the jail inmates? Is there any facility of shops attached to the jail for sale of such consumer goods to general public?

G. INFRASTRUCTURE:-

- (i) what are the number of barracks and capacity of each barrack. How many prisoners are actually lodged in such barracks so as to find out the extent of overcrowding, if any?
- (ii) whether the prisoners or inmates are provided lockers or shelves for keeping their belongings?
- (iii) whether facility of CCTV cameras is available with different barracks of the jails? And, if so, are they functional?
- (iv) whether the jail wardens on duty at the entrance of the barracks are connected with the Superintendent through intercom?
- (v) whether the jail wardens and jail guards on duty are provided with binoculars?
- (vi) whether video conferencing facility between the central jail and courts is available and if so, is it functional and what is the frequency of its use?
- (vii) what is the arrangement for maintenance of the jail buildings? Is nucleus maintenance staff available for regular repair works at the disposal of the jail administration itself?



- (viii) whether sufficient staff is available in the central jails, such as wardens, jailers, sub-jailers etc. commensurate with number of prisoners?
- (ix) whether jails are fitted with jammers so as to prevent use of cell phones from inside the jail premises?

H. WELFARE:-

- (i) what are the facilities available for the meeting between jail inmates and their family members and for how many times a prisoner is allowed to meet with or talk on telephone to, his family members in a month?
- (ii) whether the convicts are segregated from under-trial prisoners? whether those convicted with heinous crimes are segregated from the prisoners convicted for offences having lesser gravity?
- (iii) what is the method of obtaining and processing the applications for release of prisoners on parole/permanent parole, transfer to open jail and remission of sentence? How often meeting of the Parole Advisory Committee is convened to consider such applications?

A copy of this order be endorsed to the District & Sessions Judges of the concerned districts for compliance and their reports.

Let, therefore, a notice of this petition be issued to,

1. The State of Rajasthan through its Additional Chief Secretary, Home Department, Government of Rajasthan, Government Secretariat, Jaipur,
2. The Principal Secretary to the Government, Finance Department, Government of Rajasthan, Government Secretariat, Jaipur.
3. The Principal Secretary to the Government, Medical and Health Department, Government of Rajasthan, Government Secretariat, Jaipur.
4. The Secretary to the Government, Department of Technical Education, Government of Rajasthan, Government Secretariat, Jaipur



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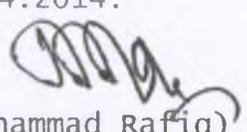
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- 5. The Director General (Prisons) State of Rajasthan, Jaipur
- 6. The Director, Local Bodies and Local Self Department, Government of Rajasthan, Jaipur
- 7. The Deputy Director General, National Informatics Center, Government Secretariat, Jaipur

A copy of this order be served in the office of Shri J.M. Saxena, learned Additional Advocate General, who may seek instructions from aforementioned respondents and file their response.

A copy of this order be also supplied to Shri Prateek Kasliwal, learned Amicus Curiae.

Office is directed to place this matter on the board on 21.04.2014.

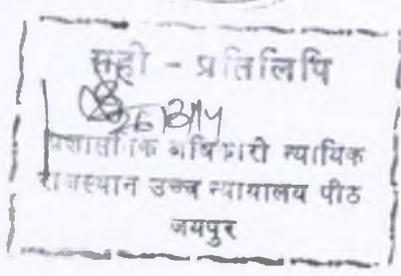


(Mohammad Rafiq) J.



(Amitava Roy) CJ.

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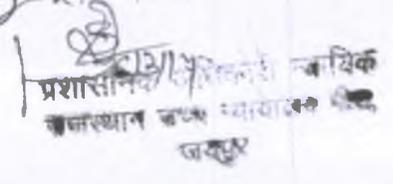


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copy of order dated 14/3/14 sent to Shri Prateek Kasliwal Adv. Amicus Curiae Rajasthan High Court Jaipur

for information and necessary action


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07.7.14

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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN

D.B. Civil Writ Petition (PIL) No.2808/2012

Suo Motu Vs. State of Rajasthan and
others.

Date of order ::: 07.07.2014

Present

HON'BLE THE CHIEF JUSTICE MR. JUSTICE AMITAVA ROY
HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Prateek Kasliwal with
Shri Kapil Gupta, Amicus Curiae
Shri Ashish Kumar Singh, counsel for applicant
Shri J.M. Saxena, Additional Advocate General for the
respondents State

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By the Court:-

The inspection reports of the Central jails situated at the Divisional Headquarters, except Bikaner, have been received from the respective District and Sessions Judges. Let therefore a reminder be sent to the District & Sessions Judge, Bikaner, for inspecting the Central Jail, Bikaner, on the lines indicated in the order of this court dated 14.03.2014 and submitting report to this court.

office to provide copy of the afore-mentioned reports so received from the District & Sessions Judges, to Shri Prateek Kasliwal, learned Amicus Curiae, and Shri Jag Mohan Saxena, learned Additional Advocate General, so as to elicit their suggestions/response.

Shri Ashish Kumar Singh, learned counsel for applicant in Interim Application filed under Article 226 of the Constitution read with Order 1 Rule 10 of the Code of Civil Procedure, bearing Inward

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प्रमाणित न्यायिक अधिकारी न्यायिक
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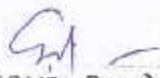
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No.29719/24.05.2014 may supply a copy of the application to Shri Prateek Kasliwal, learned counsel for Amicus Curiae, who may respond thereto on or before the next date.

Interim Application bearing inward no.9886 dated 20.02.2014 filed by learned Additional Advocate General for placing on record the steps/measures taken in pursuance to the suggestions filed before this court, shall be considered on the next date of hearing.

List on 31.07.2014.

(Mohammad Kaif) J.


(Amitava Roy) CJ.



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अध्यात्मिक शिक्षण मंडळ, पुणे
राजस्थान उच्च न्यायालय पीठ,
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राजस्थान उच्च न्यायालय गौड, जयपुर
Certified Copy of Order Dated.....

28/10/15

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR

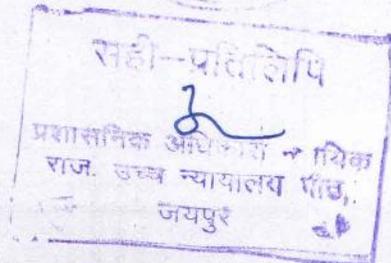
D.B. Civil writ Petition (PIL) NO. 2808/2014

Suo Motu

Versus

1. The State of Rajasthan through its Additional Chief Secretary, Home Department, Government of Rajasthan, Government Secretariat, Jaipur,
2. The Principal Secretary to the Government, Finance Department, Government of Rajasthan, Government Secretariat, Jaipur.
3. The Principal Secretary to the Government, Medical and Health Department, Government of Rajasthan, Government Secretariat, Jaipur.
4. The Secretary to the Government, Department of Technical Education, Government of Rajasthan, Government Secretariat, Jaipur
5. The Director General (Prisons) State of Rajasthan, Jaipur
6. The Director, Local Bodies and Local Self Department, Government of Rajasthan, Jaipur
7. The Deputy Director General, National Informatics Center, Government Secretariat, Jaipur

... Respondents



D.B. Civil Writ Petition No.2808/2012

Date of Order ::: 28.10.2015

Present

Hon'ble Mr. Justice Mohammad Rafiq
Hon'ble Mr. Justice Prakash Gupta

Shri Pushkar Taimni for
Shri Prateek Kasliwal, Amicus Curiae
Shri J.M. Saxena, Additional Advocate General, for
respondent State
Shri Vagish K. Singh, for intervenor
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By the Court:-

This matter was last listed on 22.04.2015. Shri A. Mukhopadhaya, Additional Chief Secretary, Home & Prisons, Rajasthan, Jaipur, had assured the court that priority would be given to the areas of concern expressed by this court to improve the conditions of the Jails in the State, especially on following issues, mentioned therein:-

- (i) to provide toilets and construct new sewerage lines, wherever necessary;
- (ii) to provide bathing facilities to the prisoners, more particularly to female prisoners;
- (iii) to uniformly provide standard kit of medical equipments in each of the dispensaries in all Central Jails;
- (iv) to make ambulances functional when are lying out of order and whenever necessary, make ambulances available through '108' facility;
- (v) to diversify vocational activities in the Udyogshalas attached to the jails with the help of experts and NGOs;
- (vi) to identify the place for setting up new open air camps so as to unburden the jails from prisoners;
- (vii) to construct new barracks to overcome the difficulty of overcrowding and reduce pressure on existing barracks;
- (viii) to improve the quality of food and consider



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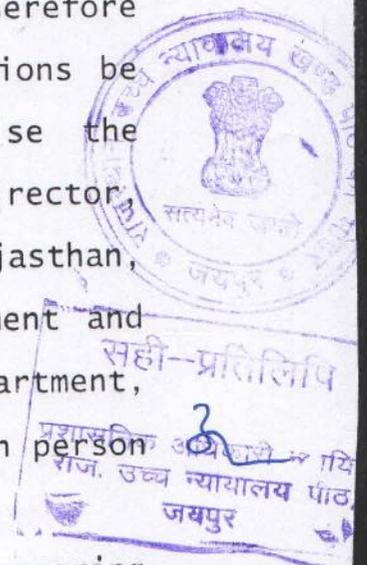
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- periodically providing sweet items;
- (ix) to ensure regular cleaning of garbage so as to maintain hygienic conditions in the jails;
- (x) to frame new jail manuals and comprehensive set of Rules.

A specific direction was issued to the Principal Secretary to the Government and the Director, Medical and Health Department, Government of Rajasthan, Jaipur, to take steps for giving posting the Medical officers and nursing staff against posts lying vacant in the jail dispensaries and also Principal Secretary to the Government and the Director of the Technical Education Department, Government of Rajasthan, Jaipur, to take steps and give posting on the vacant posts of Instructors in the Industrial Training Institutes.

Shri J.M. Saxena, learned Additional Advocate General, has produced copy of order dated 20.01.2015, which order was already taken note of by us whereby additional charge was given to Medical officers posted at various places, to also visit the jail dispensaries in the evening session. So far it appears that compliance of the aforesaid specific two directions issued by the court, has not been made. We therefore direct that compliance of the aforesaid directions be made positively before the next date or else the Principal Secretary to the Government and the Director, Medical and Health Department, Government of Rajasthan, Jaipur, and Principal Secretary to the Government and the Director of the Technical Education Department, Government of Rajasthan, Jaipur, shall appear in person before the court on 23.11.2015.

Shri Vagish K. Singh, learned counsel appearing



for intervenor, has invited attention of the court towards the Rajasthan Prisoners Rules, 1951. Part XXIII of the Rules of 1951 provides for appointment and guidance of visitors of prisoners. Rule 1 thereof provides for ex-officio visitors, which includes the I.G. of Civil Hospitals, the I.G. of Police, the Director of Public Health, the Deputy I.G. Police (C.I.D.) and the Director of Industries as ex-officio visitors for all previous and lock-ups in the state. It further includes the Collector and District Magistrate of the District and the District and Sessions Judge, Civil and Additional Sessions Judges, Civil Surgeons, every member of the Rajasthan Legislative Assembly, the Chairperson and members of the Rajasthan State Human Rights Commission and the Chairperson and members of the National Commission for Women/Rajasthan State Commission for Women, to the ex-officio visitors of the jails. Rule 3 of the Rules of 1951 provides that the Government of Rajasthan may appoint for all prisons in the State non-official visitors. Their number shall ordinarily be six for each Central Prison, three for each district prison and two for each lock-up jail. Such appointments shall ordinarily be made on the recommendations of the Collector and District Magistrate of the District, in which the jail or lock-up is situated. Rule 5 provides for roster on monthly visits by the Collector and District Magistrate of the District for such non-official visitors in quarterly meeting of Board of Justice. Learned counsel has argued that compliance of the aforesaid Rules is not at all being made in the State of Rajasthan.

We require the respondents to give the details as to how many visits have been made by ex-officio



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visitors detailed out in the Rules, supra, in the jails of Rajasthan, especially the Central Jails during past six months. The respondents shall also state on oath whether non-official visitors have been appointed for the state of Rajasthan and if not appointment, shall immediately pass appropriate order for appointing non-official visitors in compliance of the aforesaid Rules.

The respondent state shall apprise the court of the progress made on the ten areas of concern, referred to above, of which priority was fixed taking note of the assurance of the Additional Chief Secretary to the Government.

We defer the hearing of matter to take place on 23.11.2015. A copy of this order be provided to Shri J.M. Saxena, learned Additional Advocate General, for onward transmission to the authorities concerned.

(Prakash Gupta) J.

(Mohammad Rafiq) J.

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