

ITEM NO.16

COURT NO.5

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).406/2013

RE-INHUMAN CONDITIONS IN 1382 PRISONS

(WITH APPLN. (S) FOR exemption from filing O.T. and extension of time FOR FILING A MANUAL OF PRISONS and intervention and recalling OF COURT'S ORDER DATED 04.04.2016 AND SEEKING WAIVER OF COST IMPOSED AND SEEKING WAIVER OF COST ON BEHALF OF U.T. OF ANDAMAN & NICOBAR ISLANDS)

Date : 02/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gaurav Agrawal, Adv. (A.C.)
By Post

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Mr. Pankaj Pandey, Adv.
Mr. M.K. Maroria, Adv.

For States of
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Assam Mr. Shuvodeep Roy, Adv.
Mr. Sayooj Mohandas M., Adv.

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Mr. Colin Gonsalves, Sr. Adv.
Ms. Ritu Kumar, Adv.
Mr. Satya Mitra, Adv.

Mr. Kamal Mohan Gupta, AOR

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

It is stated by learned counsel for the Ministry of Women and Child Development, Government of India that a Manual has been prepared relating to the Living Conditions in Institutions for Children in Conflict with Law. The Manual should be circulated to all the State Governments/Union Territories expeditiously so that the suggestions and recommendations incorporated therein can be implemented, if necessary with State specific modifications.

The affidavit filed by the Union of India in Court today, without a copy of the Manual, is taken on record.

We have also gone through the affidavit filed on 11th April, 2017 on behalf of Union of India through the Ministry of Home Affairs.

On perusal of the affidavit, it is quite obvious that there is a huge shortage of staff in almost every jail of the country. Necessary steps must be taken on an urgent basis by the State Governments/Union Territories to fill up these vacancies by 31st December, 2017.

It is also quite clear that training of personnel and staff has been taken in a very casual manner and there is only an ad-hoc system of training of staff. This must be done on a regular basis.

As far as the review of the Model Prison Manual is concerned, it is stated that the review is being taken up and some of the States have already made necessary modifications in the Model Prison Manual to suit their local requirements.

The Board of Visitors for jails has not been appointed in several States. The State Governments should take immediate steps to appoint a Board of Visitors who can visit jails and suggest remedial measures to improve the conditions of the prisoners - convicts as well as under trial prisoners.

As far as training manuals are concerned, it is stated that a Committee has been set up to look into this issue. Hopefully, the Committee which has been set up under the aegis of the Bureau of Police Research and Development will come out with appropriate training manuals as soon as possible.

With regard to the expenses in all the jails, it is stated that the Comptroller and Auditor General has carried out some audits. However, learned counsel for the Union of India states that the matter is being taken up with the Office of the Comptroller and Auditor General to ensure that the audits are conducted on a regular

basis so that there is not wasteful expenditure.

It is further stated that a Scheme is being proposed and will be discussed with the Comptroller and Auditor General and others States/Union Territories in this regard.

List the matter on 10th August, 2017 for submissions on the second issue relating to unnatural deaths and also for a follow-up on the orders that have already been passed.

(SANJAY KUMAR-I)
AR-CUM-PS

(SHARDA KAPOOR)
COURT MASTER