

SECTION PIL (WRIT)

MATTER FOR : 12.12.2017  
COURT NO. : 04  
ITEM NO. : 03

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

**WRIT PETITION (CIVIL) NO. 406 OF 2013**

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NOS. 6/16, 68248, 112556 & 135960/2017

(Applications for Intervention and directions)

WITH

INTERLOCUTORY APPLICATION NO. 7/2017

(Application for Extension of time)

Re: Inhuman Conditions in 1382 prisons

...Petitioner

**OFFICE REPORT**

It is submitted that the Writ Petition above-mentioned was listed before the Hon'ble Court on 15.09.2017, when the Court was pleased to pronounce, inter-alia, the following **Judgment**:-

“xxxx xxxx xxxx xxxx xxxx  
xxxx xxxx xxxx xxxx xxxx

58. We expect the above directions to be faithfully implemented by the Union of India and State Governments. In the event of any difficulty in the implementation of the above directions, the Bench hearing the suo motu public interest litigation in the High Court in term of our first direction is at liberty to consider those difficulties and pass necessary orders and directions.

59. List for follow-up in December, 2017.”

It is submitted that certified copy of the above Judgment was sent to all the concerned authorities, viz, all Hon'ble High Courts, Ministry of Home Affairs, Ministry of Women & Child Development, all the States and all States' Legal Services Authorities on 18.09.2017 and 19.09.2017 respectively.

It is further submitted that the following **Hon'ble High Courts** have filed compliance reports:

<b>Sr. No.</b>	<b>Hon'ble High Court</b>	<b>Date of letter received from Registrar General/Registrar</b>	<b>Case No. registered by the Hon'ble High Court</b>
1	Punjab & Haryana High Court	22.9.2017	CWP No. 21641/2017
2	High Court of Judicature at Patna	20.9.2017	CWJC 13942/2017
3	High Court of Delhi	23.9.2017	WP (C) 8580/2017
4	High Court of Madhya Pradesh (Principal Bench – Jabalpur)	22.9.2017	WP (C) 15119/2017
5	High Court of Meghalaya	26.9.2017	PIL No. 9 of 2017
6	High Court of Tripura	20.9.2017	WP (C) 8/2017
7	High Court of Bombay	3.10.2017	Suo Motu PIL No. 3/2017
8	J&K High Court	7.10.2017	Suo Motu PIL No. 12/2017
9	High Court of Sikkim	9.10.2017	Suo Motu PIL No. 10/2017
10	High Court of Manipur	4.10.2017	Suo Motu PIL No. 30/2017
11	High Court of Judicature at Hyderabad (For Telangana & Andhra Pradesh)	20.10.2017	WP (Suo Motu PIL) No. 269/2017
12	High Court of Jharkhand	10.11.2017	WP (PIL) 6125/2017
13	High Court of Karnataka	17.11.2017	WP (Suo Motu) 51738/2017
14	High Court of Kerala	22.11.2017	WP (C) 36780/2017
15	High Court of Judicature at Allahabad	23.11.2017	Criminal Public Interest Petition No. 24192/2017
16	Gauhati High Court	29.11.2017	PIL (Suo Motu) No. 6/2017

It is further submitted that no information has been received in respect of the following Hon'ble High Courts:

1. Calcutta High Court
2. Chhattisgarh High Court
3. Gujarat High Court
4. Himachal Pradesh High Court
5. Madras High Court
6. Odisha High Court
7. Rajasthan High Court
8. Uttarakhand High Court

It is next submitted that the following **State Legal Services Authorities** have filed compliance reports:

No.	SLSA	Date of Letter
1	Uttarakhand State Legal Services Authority	27.11.2017
2	West Bengal State Legal Services Authority	28.11.2017 <b>(Only 1 bundle received)</b>
3	Tripura State Legal Services Authority	29.11.2017
4	Andhra Pradesh State Legal Services Authority	29.11.2017
5	Tamil Nadu State Legal Services Authority	30.11.2017
6	Telangana State Legal Services Authority	30.11.2017
7	Chhattisgarh State Legal Services Authority	30.11.2017 <b>(Only 1 set received, having pages in vernacular language )</b>

It is further submitted that the Reports received from States Legal Services Authorities as mentioned in the table above at Srl. Nos. 1, 3 to 6 are placed in a separate volume with the main Paper Books.

It is next submitted that as regards Sr. No. 2 in the table above, The Prison Study Report received from West Bengal SLSA is being circulated at the Residential Office of Hon'ble Mr. Justice Madan B. Lokur and individual Study Report of each Correctional Homes of districts of State of West Bengal and State of Chhattisgarh (at Sr. No. 7) will be produced in the Hon'ble Court at the time of hearing of matter.

It is further submitted that no compliance reports have been received in respect of the following U.Ts./States' Legal Services Authorities:

1. Andaman and Nicobar
2. Arunachal Pradesh
3. Assam
4. Bihar
5. Chandigarh
6. Dadra and Nagar Haveli
7. Daman and Diu
8. Delhi
9. Goa
10. Gujarat
11. Haryana
12. Himachal Pradesh
13. Jammu and Kashmir
14. Jharkhand

- |                   |                    |
|-------------------|--------------------|
| 15. Karnataka     | 16. Kerala         |
| 17. Lakshadweep   | 18. Madhya Pradesh |
| 19. Maharashtra   | 20. Manipur        |
| 21. Meghalaya     | 22. Mizoram        |
| 23. Nagaland      | 24. Odisha         |
| 25. Puducherry    | 26. Punjab         |
| 27. Rajasthan     | 28. Sikkim         |
| 29. Uttar Pradesh |                    |

It is further submitted that the Writ Petition above-mentioned was listed before the Hon'ble Court from time to time and lastly listed on 31.10.2017 with Office Report dated 30.10.2017, when the Court was pleased to inter-alia pass the following Order:-

“xxxx      xxxx      xxxx      xxxx      xxxx

We expect the State Governments and the Inspector General of Police (Prisons) to respond to the queries/ issues raised by the Ministry of Home Affairs particularly keeping in mind the fact that we are dealing with issues relating to the human rights of individuals which must be given prime importance.

The Member Secretary, NALSA along with the Director, NALSA as well as the learned Amicus may participate in the meeting to be held on 16.11.2017.

xxxx xxxx xxxx xxxx xxxx

List the matter on 12.12.2017.

xxxx xxxx xxxx xxxx xxxx”

It is further submitted that pursuant to above Order, certified copy of the above Order was sent to (a) Ministry of Home Affairs, (b) NHRC, (c) NALSA, (d) Chief Secretaries/Administrators of all States and U.Ts, and (e) DGP/IGs of Prisons of all States and U.Ts. through Speed Post for information and compliance.

It is further submitted that Amended Cause Title impleading NHRC as an intervenor as per Court's Order dated 30.10.2017 (in I.A. No. 103676 of 2017) stands included in the Paper Books.

It is next submitted that Mr. Satya Mitra, Advocate has on 01.11.2017 filed Application for direction on behalf of applicant, viz. National Forum for Prison Reforms which has been registered as Interlocutory Application No. 112556 of 2017 and the same stands included in the Paper Books.

It is next submitted that Mr. Alok Agarwal, Member Secretary, NALSA has on 09.12.2017 submitted Report dated 08.12.2017 and the same is being circulated before the Hon'ble Court.

It is lastly submitted that Mr. Gaurav Agrawal, Advocate (A.C.) has on 11.12.2017 filed two separate documents with permission of the Hon'ble Court:- (i) Note for hearing and (ii) Application for Directions. The application for direction has been registered as I.A. No. 135960/2017 and both the documents are being circulated for the kind perusal of the Hon'ble Court.

The Writ Petition alongwith applications above-mentioned is listed before the Hon'ble Court with this Office Report for orders.

Dated this the 11<sup>th</sup> day of December, 2017.

Sd/-  
Assistant Registrar

SECTION PIL (WRIT)

MATTER FOR : 21.02.2018

COURT NO. : 04

ITEM NO. : 03

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

**WRIT PETITION (CIVIL) NO. 406 OF 2013**

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NOS. 6/16, 68248, 112556 & 135960/2017

(Applications for Intervention and directions)

WITH

INTERLOCUTORY APPLICATION NOS. 26533 & 26542/2018

(Applications for Impleadment and directions)

WITH

INTERLOCUTORY APPLICATION NO. 7/2017

(Application for Extension of time)

Re: Inhuman Conditions in 1382 prisons

... Petitioner

**OFFICE REPORT**

The Writ Petition above-mentioned was listed before the Hon'ble Court on 12.12.2017 with Office Report dated 11.12.2017, when the Court was pleased to pass, inter-alia, the following order:

“xxxx    xxxx    xxxx    xxxx    xxxx  
xxxx    xxxx    xxxx    xxxx    xxxx

We request the Secretary General to communicate with the Registrar General of these High Courts to look into the matter of custodial deaths at the earliest and report to us.

xxxx    xxxx    xxxx    xxxx    xxxx  
xxxx    xxxx    xxxx    xxxx    xxxx

We require the following:

(i) The Ministry of Home Affairs to have a meeting with the Directors General and Inspectors General of Prison of all the State Governments and Union Territories to see the feasibility of establishing open prisons. The Ministry of Home Affairs will send a communication to the concerned authorities in the State Governments and Union Territories asking for their response to the idea of open prisons – whether they are willing to set up open prisons and the manner in which the open prisons could be operated. The concerned authorities should respond to the Ministry of Home Affairs preferably within a period of four weeks and the meeting will be held immediately thereafter in the first week of February, 2018.

(ii) NALSA will also send a similar communication to the State Legal Services Authorities indicating the information required and will also try and have a meeting with the Member Secretaries with the State Legal Services Authorities, if necessary

through video-conferencing so that their views may also be made available.

(iii) In the meeting that the Ministry of Home Affairs is directed to hold in the first week of February, 2018, the Member Secretary, the Director of NALSA, learned *amicus curiae* and Ms. Smita Chakraburty will also be invited.

List the matter on 21<sup>st</sup> February, 2018.

It is submitted that certified copy of the Order dated 12.12.2017 was sent to the following authorities/parties: i) Secretary, Ministry of Home Affairs, ii) Director and Member Secretary, NALSA, iii) Mr. Gaurav Agrawal, Advocate (A.C.) and iv) Chief Secretaries of all States and Union Territories on 18.12.2017.

It is further submitted that certified copy of the above order has also been sent to the Registrar Generals of High Courts of Calcutta, Chhattisgarh, Himachal Pradesh, Madras, Orissa, Rajasthan, and Uttarakhand by the Secretary General vide letter dated 16.12.2017.

It is further submitted that compliance reports have been received from the following **High Courts**:

<b>Sr. No.</b>	<b>Hon'ble High Court</b>	<b>Date of letter received from Registrar General/Registrar</b>	<b>Case No. registered by the Hon'ble High Court</b>
1	High Court of Gujarat	15.12.2017	Writ Petition (PIL) 260/2017
2	High Court of Chhattisgarh	19.12.2017	Suo Moto WP (PIL) No. 118/2017
3	High Court of Orissa	19.12.2017	W.P. (C) 20673/2017
4	Madras High Court	19.12.2017	Suo Motu Writ Petition No. 26774/2017
5	High Court of Calcutta	20.12.2017	W.P. 26371/2017
6	High Court of Uttarakhand	20.12.2017	Writ Petition (PIL) No. 159/2017
7	High Court of Himachal Pradesh	14.12.2017	CWPIL No. 203/2017
8	Rajasthan High Court	21.12.2017	D.B. Civil Writ Petition No. 17462/2017

All the High Courts have now filed compliance reports.

It is next submitted that compliance reports have been received from the following **State Legal Services Authorities**:

<b>No.</b>	<b>SLSA</b>	<b>Date of Letter</b>
1	HP State Legal Services Authority	08.12.2017
2	Gujarat State Legal Services Authority	08.12.2017
3	Odisha State Legal Services Authority	22.12.2017
4	Andaman & Nicobar Islands State Legal Services Authority	09.01.2018

It is further submitted that Mr. M. Yogesh Kanna, Advocate has on 16.01.2018 filed Status Report on behalf of State of Tamil Nadu and the same stands included in the Paper Books.

It is further submitted that Mr. Satya Mitra, Advocate has on 01.11.2017 filed Application for direction on behalf of applicant, viz. National Forum for Prison Reforms which has been registered as Interlocutory Application No. 112556 of 2017 and the same stands included in the Paper Books.

It is next submitted that Mr. Pukhrambam Ramesh Kumar, Advocate has on 20.02.2018 filed Application for impleadment as petitioner alongwith Vakalatnama/appearance and Application for directions on behalf of Dr. Anup Surendranath. The said applications have been registered as Interlocutory Application Nos. 26533 and 26542 of 2018 respectively and the same are being circulated for the kind perusal of the Hon'ble Court.

It is lastly submitted that Mr. Gaurav Agrawal, Advocate (A.C.) has on 20.02.2018 filed Note for hearing with the permission of the Hon'ble Court and the same is being circulated for the kind perusal of the Hon'ble Court.

The Writ Petition alongwith applications above-mentioned is listed before the Hon'ble Court with this Office Report for orders.

Dated this the 20<sup>th</sup> day of February, 2018.

Sd/-  
Assistant Registrar



SECTION PIL (WRIT)

MATTER FOR : 02.08.2018

COURT NO. : 03

ITEM NO. : 01

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

**WRIT PETITION (CIVIL) NO. 406 OF 2013**

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NOS. 6/16 & 67234/2018

(Applications for Intervention)

AND

INTERLOCUTORY APPLICATION NOS. 68248, 112556,135960 OF 2017

(Applications for directions)

AND

INTERLOCUTORY APPLICATION NOS. 26533 & 26542/2018

(Applications for Impleadment and directions)

AND

INTERLOCUTORY APPLICATION NO. 7/2017

(Application for Extension of time)

AND

INTERLOCUTORY APPLICATION NO. 62210/2018

(Application for Condonation of delay)

AND

INTERLOCUTORY APPLICATION NOS. 62531, 62212, 67761 & 67769/2018

(Applications for Exemption from filing O.T.)

AND

INTERLOCUTORY APPLICATION NO. 105821/2018

(Application for directions)

**RE: INHUMAN CONDITIONS IN 1382 PRISONS**

**OFFICE REPORT**

The Writ Petition above-mentioned was listed before the Hon'ble Court on 08.05.2018 with Office Report dated 07.05.2018, when the Court was pleased to pass, inter-alia, the following order:

“xxxx xxxx xxxx xxxx xxxx xxxx

**2. Overcrowding in Prisons**

xxxx xxxx xxxx xxxx xxxx xxxx

Under the circumstances, we request the Chief Justice of every High Court to take up the issue of overcrowding in prisons as a suo moto writ petition.

The Secretary General should send a copy of this order to the Registrar General of every High Court for necessary steps in this regard and report back to us.

xxxx xxxx xxxx xxxx xxxx xxxx

### 3. Vacancies in the prisons staff

xxxx      xxxx    xxxx    xxxx    xxxx    xxxx    xxxx

Accordingly, we request the Chief Justice of every High Court to take up this matter as a suo moto writ petition.

The Secretary General should send a copy of this order to the Registrar General of every High Court for necessary steps in this regard and report back to us.

### 4. Women prisoners and their children

Learned Additional Solicitor General informs us that the Ministry of Women and Child Development, Government of India is conducting a study through the National Commission for Women and the National Law University, Delhi on women prisoners and their children. He says that as per his information the Study will be completed by 30th June, 2018 and the Ministry would thereafter like to look into the Study and take necessary steps. He further says that the consideration will take about 2 or 3 weeks.

For this purpose, list the matter on 2nd August, 2018.

xxxx      xxxx    xxxx    xxxx    xxxx    xxxx    xxxx

### 6. Open Prisons

xxxx      xxxx    xxxx    xxxx    xxxx    xxxx    xxxx

... The State Governments and Union Territory Administrations should also seriously consider the feasibility of establishing open prisons in as many locations as possible.

List the matter on 2<sup>nd</sup> August, 2018.”

Pursuant to above Order, it is submitted that vide the Ld. Secretary's General's letter(s) dated 16.05.2018, certified copy of the Hon'ble Court's Order dated 08.05.2018 was sent to the Registrar Generals of all the High Courts for compliance of the aforementioned order of the Hon'ble Court.

It is further submitted that certified copy of the Order dated 08.05.2018 was sent to the following authorities for information and compliance: (a) The Secretaries of Ministry of Home Affairs and Ministry of Women & Child Development; (b) Director, NALSA; (c) Amicus Curiae; (d) all the States and Union Territories; (e) Director, Sardar Vallabhai Patel National Police Academy and all the police training academies and (f) Director General, Bureau of Police Research & Development through Speed Post.

It is further submitted that compliance reports have been received from the following **High Courts**:

No.	Hon'ble High Court	Date of letter	Case No. registered by the High Courts
1	High Court of Allahabad	23.5.2018	1. PIL (Criminal) No. <b>4/2018</b> In Re: Overcrowding in Prisons 2. PIL (Criminal) No. <b>5/2018</b> In Re: Vacancies in Prison Staff
2	High Court of Madhya Pradesh	23.5.2018	1. WP No. <b>12017/2018</b> "Overcrowding in Prisons" 2. WP No. <b>12018/2018</b> "Vacancies in prison staff"
3	High Court of Meghalaya	24.5.2018	It has been communicated vide letter that PIL No. 9 of 2017* titled "Re: Inhuman Conditions: Suo Motu PIL regarding custodial violence & other matters relating to prison conditions vs. State of Meghalaya & Ors." was registered pursuant to the Judgment and Order dated 15.9.2017.  <b>No new PIL has been reported to have been registered pursuant to the Order dated 8.5.2018.</b>
4	High Court of Judicature at Hyderabad	4.6.2018	Suo Motu WP (PIL) No. <b>136/2018</b> – relating to overcrowding of prisons & vacancies in prison staffs
5	High Court of Delhi	4.6.2018	WP (C) <b>6545/2018</b> - "Court on its Own Motion vs. Union of India through the Secretary Ministry of Home Affairs & ors."
6	High Court of Tripura	1.6.2018	WP (C) (Suo Motu) <b>508/2018</b> – Court on its own motion vs. State of Tripura
7	High Court of Manipur	1.6.2018	PIL No. <b>20/2018</b> – vacancies PIL No. <b>21/2018</b> – overcrowding
8	J&K High Court	29.5.2018	Suo Moto PIL No. <b>8/2018</b>
9	High Court of Uttarakhand	6.6.2018	Writ Petition (PIL) No. <b>72/2018</b> – Overcrowding of inmates in prisons and inadequate vacancies of prison staff in various jails vs State of Uttarkhand & Ors.
10	High Court of Chhattisgarh	1.6.2018	WP(C) <b>1568/2018</b>
11	High Court of Bombay	8.6.2018	Suo Moto WP No. <b>1/2018</b> – overcrowding in prisons Suo Moto WP No. <b>2/2018</b> – vacancies in prisons staff
12	Gauhati High Court	7.6.2018	WP (C) Suo Moto No. <b>8/2018</b> - overcrowding in prisons  WP (C) Suo Moto No. <b>9/2018</b> - vacancies in prison staff

No.	Hon'ble High Court	Date of letter	Case No. registered by the High Courts
13	Punjab & Haryana High Court	7.6.2018	Suo Motu CWP <b>13213/2018</b> "Court on its own motion vs State of Punjab, State of Haryana & UT, Chandigarh on the issues of overcrowding in prisons and vacancies in prisons staff"
14	High Court of Karnataka	11.6.2018	Suo Motu WP <b>24898/2018</b>
15	High Court of Calcutta	7.6.2018	WP No. <b>7252(W)/2018</b> – overcrowding WP No. <b>7245(W)/2018</b> - vacancies
16	High Court of Himachal Pradesh	2.6.2018	CWPIL No. <b>96/2018</b>
17	High Court of Sikkim	21.6.2018	It has been communicated vide letter that the High Court has taken cognizance of the two additional issues – i) overcrowding in prisons & ii) vacancies in the prisons staff in the same PIL No. 10/2017* (Re- Inhuman Condition in 1382 prisons)  <b>No new PIL has been reported to have been registered pursuant to the Order dated 8.5.2018.</b>
18	High Court of Madras	18.6.2018	Suo Motu Writ Petition No. <b>13930/2018</b> – overcrowding in the prisons  Suo Motu Writ Petition No. <b>13931/2018</b> – vacancies in the prisons staff
19	High Court of Orissa	30.6.2018	It has been communicated vide letter that Sua Motu Public Interest Petition WP (C) 20673 of 2017* is pending before the High Court.  <b>No new PIL has been reported to have been registered pursuant to the Order dated 8.5.2018.</b>
20	High Court of Jharkhand	23.7.2018	It has been communicated vide letter that Sua Motu WP (PIL) No. 6125 of 2017* is pending before the High Court.  <b>No new PIL has been reported to have been registered pursuant to the Order dated 8.5.2018.</b>
21	High Court of Kerala	26.6.2018	WP (C) No. <b>19685/2018</b> – overcrowding in prisons & vacancies in prisons staff
22	High Court of Patna	26.7.2018	CWJC No. <b>13942/2018</b>
23	High Court of Gujarat	27.7.2018	WP (PIL) No. <b>141/2018</b> – overcrowding in prisons & vacancies in prisons staff

No.	Hon'ble High Court	Date of letter	Case No. registered by the High Courts
24	High Court of Rajasthan	27.7.2018	It has been communicated vide letter that DB Civil WP 17462/17* titled Suo Motu Vs. State of Rajasthan is pending before the High Court. Further, DB Civil Writ (PIL) No. 2808/2012, Suo Motu Vs State has also been pending.  <b>No new PIL has been reported to have been registered pursuant to the Order dated 8.5.2018.</b>

All the High Courts have now filed compliance reports.

(\*It may be pointed out that the Writ Nos. mentioned in respect of the High Courts of Meghalaya, Sikkim, Orissa, Jharkhand and Rajasthan were registered in pursuance of the Hon'ble Court's Order dated 15.09.2017).

It is further submitted that the following reports/affidavits have been received:

S.No.	Filing party	Date	Description of Report/Affidavit
1	Mr. Habung Lampung, US, Home Department, Govt. of Arunachal Pradesh	4.5.2018	Para-wise comment against Hon'ble Court's Order dt. 27.3.2018
2	Mr. L Thungdemo Lotha, Dy. Inspector General of Prisons, Govt. of Nagaland	3.5.2018	Information in pursuance of Hon'ble Court's Order dt. 27.3.2018
3	Mr. G.S. Makker, Adv.	9.5.2018	Counter Affidavit on behalf of Ministry of Women & Child Development
4	Ms. Rachna Srivastava, Adv.	10.5.2018	Compliance Affidavit of Order dt. 27.3.2018 on behalf of State of Uttarakhand
5	Mr. V.G. Pragasam, Adv.	30.5.2018	Counter Affidavit on behalf of UT of Puducherry
6	Registrar General, High Court of Judicature at Hyderabad	10.7.2018	Report of Director General of Prisons & Correctional Services, Telangana regarding six issues in pursuance of Court's Order dt. 8.5.2018
7	Asst. Director (Indoor) for Director, SK Police Academy, Udampur, J&K	12.7.2018	Parawise comments of six issues in compliance of Order dated 8.5.2018

The reports mentioned at Srl. Nos. 1, 2, 6 & 8 are being circulated for the kind perusal of the Hon'ble Court and the affidavits mentioned at Srl. Nos. 3 – 5 stand included in the Paper Books.

It is submitted that Mr. V. Shyamohan, Advocate has on 31.08.2018 filed Application for directions alongwith Vakalatnama/appearance on behalf of Studio Nilima Collaborative Network for Research & Capacity Building with permission of the Court and the same has been registered as Interlocutory Application No. 105821 of 2018. The application is being circulated for the kind perusal of the Hon'ble Court.

It is lastly submitted that Mr. Gaurav Agarwal, Advocate (A.C.) has on 01.08.2018 filed Note for hearing with permission of the Court and the same is being circulated for the kind perusal of the Hon'ble Court.

The Writ Petition alongwith applications above-mentioned is listed before the Hon'ble Court with this Office Report for orders.

Dated this the 1<sup>st</sup> day of August, 2018.

Sd/-  
Assistant Registrar