

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

Writ Petition(s)(Civil) No(s). 406/2013

RE-INHUMAN CONDITIONS IN 1382 PRISONS

Petitioner(s)

VERSUS

STATE OF ASSAM &amp; ORS.

Respondent(s)

Date : 08-08-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

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

For Petitioner(s) By Post

For Respondent(s) Mr. K.K. Venugopal, Attorney General  
Mr. A.N.S. Nadkarni, ASG  
Mr. R.M. Bajaj, Adv.  
Ms. Binu Tamta, Adv.  
Mr. R. Bala, Adv.  
Ms. Sushma Manchanda, Adv.  
Ms. Aarti Sharma, Adv.  
Mr. G.S. Makker, Adv.  
Mr. B.V. Balram Das, Adv.For States of  
Andhra PradeshMr. Guntur Prabhakar, Adv.  
Ms. Prerna Singh, Adv.  
Mr. Siva Santosh Kumar, Adv.

Arunachal Pradesh

Mr. Anil Shrivastav, Adv.  
Mr. Rituraj Biswas, Adv.

Assam

Mr. Shuvodeep Roy, Adv.

Bihar

Mr. M. Shoeb Alam, Adv.  
Ms. Fauzia Shakil, Adv.  
Mr. Ujjwal Singh, Adv.  
Mr. Mojahid Karim Khan, Adv.

Chhattisgarh

Mr. Atul Jha, Adv.  
Mr. Sandeep Jha, Adv.  
Mr. Dharmendra Kumar Sinha, Adv.

Goa	Mr. Anshuman Srivastava, Adv. Mr. S.S. Rebello, Adv. Mr. Apoorva Bhumes, Adv.
Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal Wahi, Adv. Ms. Mamta Singh, Adv. Ms. Vishakha, Adv.
H.P.	Mr. Vikas Mahajan, AAG Mr. Vinod Sharma, Adv.
J&K	Mr. M. Shoeb Alam, AOR Ms. Fauzia Shakil, Adv. Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
Jharkhand	Mr. Tapes, Kumar Singh, AOR Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv.
Karnataka	Mr. V.N. Raghupathy, AOR Mr. Parikshit P. Angadi, Adv.
Kerala	Mr. C.K. Sasi, Adv. Ms. Nayantara Roy, Adv.
Maharashtra	Ms. Deepa M. Kulkarni, Adv. Mr. Nishant R. Katneshwarkar, Adv.
Manipur	Mr. Leisangthem Roshmani Kh., Adv. Mr. Maibam Babina, Adv.
Meghalaya	Mr. Ranjan Mukherjee, AOR Mr. K.V. Kharlyngdoh, Adv. Mr. Daniel Stone Lyngdoh, Adv.
Mizoram	Mr. K.N. Madhusoodhanan, Adv. Mr. T. G. Narayanan Nair, AOR
Nagaland	Mrs. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv. Mr. Z.H. Isaac Haiding, Adv.
Odisha	Mr. Anindita Pujari, Adv. Ms. Kavita Bhardwaj, Adv.

<b>Punjab</b>	Ms. Uttara Babbar, Adv. Ms. Akanksha Choudhary, Adv. MS. Bhavana Duhoon, Adv.
<b>Rajasthan</b>	Mr. S.S. Shamsbery, Adv. Mr. Amit Sharma, Adv. Mr. Sandeep Singh, Adv. Mr. Ankit Raj, Adv. Ms. Indira Bhakar, Adv. Ms. Ruchi Kohli, Adv. Ms. Pragati Neekhra, Adv.
<b>Sikkim</b>	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Geetanjali, Adv. for M/s Arputham Aruna & Co.
<b>Tripura</b>	Mr. Shuvodeep Roy, Adv. Mr. Rituraj Biswas, Adv.
<b>Tamil Nadu</b>	Mr. M. Yogesh Kanna, AOR Mrs. Sujatha Bagadhi, Adv. Mr. S. Partha Sarathi, Adv.
<b>Telangana</b>	Mr. P. Venkat Reddy, Adv. Mr. Prashant Tyagi, Adv. For M/s Venkat Palwai Law Associates
<b>Uttar Pradesh</b>	Ms. Aishwarya Bhati, AAG Mr. Garvesh Kabra, Adv.
<b>Uttarakhand</b>	Ms. Rachana Srivastava, AOR Ms. Monika, Adv.
<b>West Bengal</b>	Mr. Suhaan Mukerji, Adv. Mr. Harsh Gursahani, Adv. Ms. Astha Sharma, Adv. Mr. Abhishek Manchanda, Adv. Ms. Kajal Dalal, Adv. For M/s PLR Chambers
<b>A&amp;N Islands</b>	Mr. Bhupesh Narula, Adv. Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, Adv.
<b>Puducherry</b>	Mr. V.G. Pragasam, AOR Mr. S. Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.  Mr. T.N. Rama Rao, Adv. Mr. Hitesh Kumar Sharma, Adv.

Mrs. T. Veera Reddy, Adv.

UPON hearing the counsel the Court made the following

O R D E R

In partial modification of order dated 08.05.2018, we direct that Training Manuals should be circulated to the Director General of Prisons and Secretaries of Prison Department in each State Government/ UT and also to three training institutes i.e. Institute of Corrections Administration, Chandigarh; Regional Institute of Correctional Administration, Kolkatta and Academy of Prison and Correctional Administration, Vellore.

We have heard the learned Attorney General, the learned ASG, the learned Amicus and learned counsel for the parties.

To tackle some of the issues pertaining to prisons and reforms in prison including children who are in prison only because their mother is in prison and other related issues, the learned Attorney General agrees with the view expressed by this Court that a Committee should be appointed to look into all these issues. The Committee will be headed by a retired Judge of this Court and will be assisted by 2-3 officers of the Government of India. This has also been agreed by the learned Attorney General, the learned ASG and the learned Amicus.

We request the learned Amicus to sit with the learned ASG to prepare terms of reference and the responsibilities of the proposed Commission.

Needless to say, the Union of India will have to issue a notification and provide all necessary facilities considering the

importance of prison reforms in the country and importance of Article 21 of the Constitution of India.

For this purpose, list the matter on 17.08.2018.

Well before the next date of hearing, an agreed document should be prepared by the learned ASG and the learned Amicus.

I.A. No. 26542/2018

We have requested the learned Amicus to put in the form of a chart the Rules in the various Prison Manuals that appear to be constitutionally invalid along with the response of the State Government to communications in this regard so that we can go through each Rule one by one and determine its constitutional validity.

Needful be done within ten days.

List the application on 29.08.2018.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER