

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

Petitioner(s)

(With application for exemption from filing O.T. and intervention)

Date : 14/03/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s)

By Post

Mr. Gaurav Agrawal, (AC)

For Respondent(s)

Mr. N.K. Kaul, ASG  
Ms. Binu Tamta, Adv.  
Ms. Sushma Suri, Adv.

Mr. Rajesh Kumar Goel, Director, NALSA

Intervenor

Mr. Chandra Prakash, Adv.  
Mrs. Subha Cama, Adv.  
Ms. Sujaya Bardhan, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

The application for exemption from filing O.T. is allowed.

We are informed by learned counsel appearing for the Ministry of Women and Child Development, Government of India that a Committee has been set up on 24<sup>th</sup> February, 2016 for drafting a manual similar to the Prison Manual for considering issues pertaining to juveniles who are in custody either in Observation Homes or Special Homes or Place of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Ms. Shama Parveen Khan, Member Secretary of the Committee is present in Court. She has informed us that the Committee is expected to submit its report by 31<sup>st</sup> May, 2016. She is personally of the opinion that the time given is too short. After hearing her, we are in agreement with the view expressed by her. Though the matter is urgent yet there is no need to show undue haste in the preparation of the manual or produce a half baked document.

We also find from the notification issued on 24<sup>th</sup> February, 2016 by the Ministry of Women and Child Development that in constituting the Committee no one from academia has been included. However, we are told that now Ms. Jyoti Dogra Sood, Senior Assistant Professor, ILI has since been co-opted. We are of the view that some assistance should also be taken from a person in the police who is interested in issues of juvenile justice so that a composite document is prepared.

The Committee should also take the assistance of learned Amicus Curiae and if necessary a representative of Commonwealth Human Rights Initiative (CHRI) who claims to have done some work on data collection on prisons. The application for intervention filed by CHRI is disposed of with this observation.

We have also heard learned Additional Solicitor General as well as learned Amicus Curiae on the issue of unnatural death of prisoners which is the second item in the letter sent by Justice R.C. Lahoti.

Learned Amicus Curiae requests for some time to study the material in greater detail and will get back to us in two weeks.

Learned Amicus Curiae says that with regard to direction Nos.

1 to 4, the information is being compiled and he says that some time is required to complete the compilation and the needful will be done by the end of April, 2016. For this purpose, the matter be listed on 6<sup>th</sup> May, 2016.

Learned Additional Solicitor General submits that as far as the directions given on 5<sup>th</sup> February, 2016 are concerned, particularly with regard to direction No.5, responses have been received from the Director General of Police/Inspector General of Police In-charge of Prisons only from some States on the living conditions of prisoners including the issue of their health, hygiene, food, clothing, rehabilitation etc.. He says that he will compile the information and submit it within two weeks. He further says that letters have already been sent to the State Governments and Union Territories to implement the Model Prison Manual 2016.

With regard to direction No.5, the matter be listed on 4<sup>th</sup> April, 2016. On that date, we also propose to take up the issue of unnatural deaths in prisons.

(Meenakshi Kohli)  
Court Master

(Jaswinder Kaur)  
Court Master