

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

I.A. NOS. 105821/2018 in Writ Petition(s)(Civil) No(s). 406/2013

RE-INHUMAN CONDITIONS IN 1382 PRISONS

Date : 20-09-2018 This application was called on for hearing today.

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

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

For Petitioner(s) By Post

For Respondent(s)

UOI Mr. A.N.S. Nadkarni, ASG
Ms. Suhasini Sen, Adv.
Mr. Ritesh Kumar, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mrs. Anil Katiyar, Adv.
Mr. R. Bala, Adv.
Ms. Binu Tamta, Adv.
Mr. R.M. Bajaj, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Sushma Manchanda, Adv.
Mr. G.S. Makker, Adv.NALSA Ms. Anitha Shenoy, Adv.
Ms. Srishti Agnihotri, Adv.
Ms. Remya Raj, Adv.Assam Mr. Tushar Mehta, Sr. Adv.
Mr. Shuvodeep Roy, Adv.
Mr. Rajat Nair, Adv.
Mr. Somnath Banerjee, Adv.IA 105821/18 Ms. Uttara Babbar, Adv.
Ms. Bhavana Duhoon, Adv.
Ms. Deboshree Mukherjee, Adv.
Mr. V. Shyamohan, AOR

UPON hearing the counsel the Court made the following

O R D E R

It is stated by Mr. Tushar Mehta, the learned ASG appearing on

behalf of the State of Assam that steps have been taken to set up a new detention centre and it may take about a year to establish it. He also says that some families have been re-united.

It is submitted by learned counsel for the applicant (Studio Nilima) that hardly about five families have been re-united but there are many more that need to be re-united.

The State of Assam should file an affidavit indicating the position as stated by the learned ASG including any further submission that they would like to make on affidavit. A copy of the affidavit be given to learned counsel appearing for Studio Nilima and the learned Amicus who may respond to the affidavit.

We would like to know on affidavit the conditions in the detention centre / jail in Goalpara particularly with regard to the living conditions of the detenués and also the availability of cooking gas - LPG connection in replacement of fire-wood for cooking.

We have also been informed by the learned Amicus that the medical facilities available in Goalpara jail / detention centre are certainly not upto the mark and some steps are urgently required to be taken in view of a large number of persons who are under detention. The affidavit to be filed by the State of Assam will deal with this not only in respect of Goalpara detention centre but also other detention centres.

As far as the Union of India is concerned, it is stated by Mr. A.N.S. Nadkarni, learned ASG that a detention manual is under preparation but it may take about three months for the manual to be prepared. We are of the view that three months' time is far too

long.

For a matter of this nature specially considering the fact that about 1,000 people have been detained, this matter requires some urgency. The detention manual should be ready within a period of two months' from today.

It is further stated by Mr. A.N.S. Nadkarni, the learned ASG that to tide over the present situation, some circulars have been issued by the Ministry of Home Affairs laying down guidelines with regard to detention centres.

The Union of India will file an affidavit in this regard. A copy be given to learned counsel for the Studio Nilima and learned Amicus.

List the matter on 31.10.2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR