

ITEM NO.53

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 and intervention and may refer to remarks and recalling the court's order)

Date : 17/02/2017 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE MR. JUSTICE DEEPAK GUPTA

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UPON hearing the counsel the Court made the following

O R D E R

Learned *amicus curiae* has submitted a Note for today's hearing. He has briefly taken us through the Note and highlighted a few issues. They are as follows:

1. Staff recruitment - It is pointed out by learned *amicus curiae* that in response to Lok Sabha Starred Question which was answered on 2nd August, 2016, the sanctioned strength of jail officers/staff as on 31st December, 2014 is 79,988. Out of this, the actual strength is only 52,666. Thus, there is a gap of about 27,000 staff/officers as on 31st December, 2014. Since the question was answered in the Lok Sabha on 2nd August, 2016, it is unlikely that there has been a substantial improvement since that date.

In view of the above, we direct all the State Governments and Union Territories to take immediate steps to fill up the existing vacancies and initiate concrete

steps in this regard on or before 31st March, 2017. The steps taken by each State/Union Territory should be intimated to the Ministry of Home Affairs, Government of India which will instruct the learned Additional Solicitor General accordingly.

2. It has also been pointed out that there are serious deficiencies in the training of jail officers/staff. It appears that over the last many years hardly about 7800 staff has been given some kind of training, mostly refresher training. This is an unhappy state of affairs considering the fact that the number of staff is in the region of about 50,000.

In view of the above and to standardize the training to be given to the various categories of staff in prisons, we direct the Union of India through the Ministry of Home Affairs to take urgent steps to prepare training manuals for various categories of staff and officers in jails. Concrete steps should be taken in this regard on or before 31st March, 2017. The Ministry of Home Affairs may also consult the State Governments/Union Territories.

3. It has also been pointed out by learned *amicus curiae* that there is a great discrepancy between the expenses that are incurred on inmates, particularly for the year 2015-2016. For example, in the State of Bihar, the average expenditure per inmate is Rs.83,691 per annum while in the State of Rajasthan, it is about Rs.3,000/-

per annum. Similarly, in Nagaland, it is in the region of about Rs.65,468/- while in Punjab, it is about Rs.16,669/-. There is a huge discrepancy in this regard which needs to be looked into. It may also perhaps be necessary to have the accounts audited to ascertain whether the money is being spent wisely and whether it is being utilized for the benefit of the prisoners or not.

The Ministry of Home Affairs will come out with a scheme for auditing these accounts with the assistance of the Comptroller and Auditor General at the earliest and, if possible, by 31st March, 2017.

4. Learned Additional Solicitor General informs us that the review of the prison manual which was circulated in May, 2016 will commence as soon as one year is over.

5. It has also been pointed out that directions have been issued by this Court for the constitution of a Board of Visitors to visit jails. Learned *amicus curiae* informs us that as per his information many of the jails do not have a Board of Visitors and where a Board of Visitors is available, the visits to jails are sporadic and the recommendations given are probably not implemented.

Learned Additional Solicitor General through the Ministry of Home Affairs will ascertain whether the Board of Visitors for jails is available and frequency of its visit and the steps taken to implement the recommendations given.

6. It is finally submitted by learned Additional Solicitor General that a manual for the juveniles in conflict with law is under preparation and is likely to be ready by 31st March, 2017. we expect the concerned Ministry of Women and Child Development to complete the process.

We expect all the State Governments/Union Territories to cooperate with the Ministry of Home Affairs and provide all necessary data and information. In the event, the State Governments/Union Territories do not provide necessary data and information to the Ministry of Home Affairs, we will be constrained to impose very heavy costs.

For hearing arguments on the above and also on the second issue, that is with regard to unnatural deaths in prisons, list the matter on 12th April, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER