HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And
Expansion Of Open Correctional Institutions In Up .....Petitioner(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : In Person
Counsel for Respondent(s) :

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. The present Public Interest Litigation (PIL) has been registered pursuant to the order of the Supreme Court dated 26.02.2026 in Writ Petition (Civil) No. 1082 of 2020 (Suhas Chakma Vs. Union of India & Ors.); 2026 INSC 198.

2. Consequently, upon nomination made by the Hon'ble the Chief Justice, the matter has first come up before the Court, today.

3. Further, in view of pendency of earlier PILs on the issues relevant to the proper functioning of the jail facilities in the State of Uttar Pradesh, seven other PILs, registered earlier and pending, have been tagged with this PIL, under the orders of the Hon'ble the Chief Justice.

4. Accordingly, all seven petitions are listed before us today, consequent to the nomination made by the Hon'ble the Chief Justice.

5. Upon the cases being called out, Dr. Vishnu Pandey, learned counsel for the petitioner and Sri Shambhu Chopra, learned Senior Advocate along with Sri Brijesh Kumar appearing for respondent NHRC (in CRPIL No. 21033 of 2017) are present. Also, Sri R.K. Madhesia, learned AGA representing State

is present. Sri Ashish Mishra, learned counsel representing the High Court and the State Legal Services Authority is also present (in the connected matters). Other counsels are not present.

6. All counsel pray and are granted, a week's time to study the order of the Supreme Court giving rise to the leading PIL petition.

7. Sri Ashish Mishra, learned counsel for the High Court may obtain instructions from member Secretary of High Powered Committee, constituted under order of the Supreme Court.

8. For the purpose of effective proceedings, we propose to appoint an *Amicus Curiae* on the next date.

9. Accordingly, put up this case on 20.04.2026.

10. It is made clear, if other counsel appearing in the connected PIL do not continue to appear, those proceedings may either be closed or be proceeded by *Amicus Curiae* to be appointed by the Court, on the next date.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

April 13, 2026
Abhilash

Digitally signed by :-
ABHILASH SINGH
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

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Counsel for Petitioner(s) : In Person
Counsel for Respondent(s) :

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Upon the case being called out, we have heard learned counsel for the parties.

2. Prima facie, it may be noted that the leading case CRPIL No. 4 of 2026 has been registered upon recent order passed by the Supreme Court.

3. Pursuant to our last order dated 13.04.2026, Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Paritosh Kumar Malviya, learned AGA-I has appeared. He states that at present his instructions are not complete. He prays for short accommodation.

4. At the same time, we have also perused the record of the other Public Interest Litigation, tagged to this petition under administrative orders of Hon'ble the Chief Justice. Thus, in CRPIL No. 2357 of 1997 primarily following two issues are involved:

(i) Payment of adequate remuneration/wages to convicts.

(ii) Overcrowding in jails and improvement of general conditions.

5. Sri Aushim Luthra, learned *Amicus Curiae* appears in this proceeding.

6. In CRPIL No. 21033 of 2017, it has been informed that the issue raised is with respect to inhuman conditions in jails and also other issues are involved.

7. Dr. Vishnu Pandey, learned counsel appears on behalf of the public interest litigants and Sri Shambhu Chopra, learned Senior Advocate assisted by Sri Brijesh Kumar appears for NHRC, in this proceeding.

8. Dr. Vishnu Pandey states that he would be filing a short note clearly identifying the issues that are being pressed in this petition and those issues would be mapped to particular paragraphs containing specific pleadings.

9. CRPIL No. 24192 of 2017 has been registered pursuant to an order passed by the Supreme Court dated 15.09.2017 in Writ Petition (Civil) No. 406 of 2013 (Re-Inhuman Conditions In 1382 Prisons). Relevant to the present, a public interest litigation arose in view of the directions issued by the Supreme Court.

10. At present, no counsel represents the cause.

11. CRPIL No. 4 of 2018 and CRPIL No. 5 of 2018 has been registered pursuant to another order of the Supreme Court dated 08.05.2018 in Writ Petition (Civil) No. 406 of 2013.

12. Again, at present none represents the cause. However, Sri Ashish Mishra, learned Advocate represents the High Court in these proceedings.

13. WPIL No. 20369 of 2016 has been registered pursuant to yet another order of the Supreme Court dated 06.11.2015 in Writ Petition (Civil) No. 203 of 2013 amongst others, relevant to the present, direction has been issued regarding payment of due compensation to the victim.

14. Learned Additional Advocate General would prays for time to complete instructions in that regard, as well.

15. Before we proceed any further in the matter, it may be noted that in the main proceedings and also in three other proceedings, no counsel is pressing the cause, at present. Those proceedings having been registered under the order of the Supreme Court. Accordingly, we appoint Sri Dharmendra Singhal, learned Senior Advocate to be assisted by Sri Ankit Srivastava, learned counsel regularly practicing on the criminal side as learned *Amicus Curiae* to press the cause brought to this Court in CRPIL

No. 4 of 2026, CRPIL No. 24192 of 2017, CRPIL No. 4 of 2018 and CRPIL No. 5 of 2018.

16. Office to make available to learned *Amicus Curiae* necessary paper book, within a period of three days.

17. List on **11.05.2026** to enable learned Additional Advocate General to obtain complete written instructions on the issues identified in the above noted petitions excluding (for the time being) CRPIL No. 21033 of 2017, wherein Dr. Vishnu Pandey may inform about the exact issue, on the next date.

18. It is proposed to continue these proceedings on one issue a day basis, such that one or more issue may be considered on one date, from the next dates.

19. Accordingly, appropriate affidavit may be filed by the competent State authority.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

April 20, 2026
#Vikram/-

Digitally signed by :-
VIKRAM GUPTA
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And
Expansion Of Open Correctional Institutions In Up .....Petitioner(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, In Person

Counsel for Respondent(s) :

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Sri Ankit Srivastava, learned Amicus Curiae in the leading case, is present. However, Sri Aushim Luthra and Atharv Dixit, learned Amicus Curiae in CRPIL No. 2357 of 1997, are not present.

2. On a query being made, Sri Ankit Srivastava, learned Amicus Curiae, submitted that the records of CRPIL No. 2357 of 1997, CRPIL No. 21033 of 2017, CRPIL No. 24192 of 2017 and WPIL No. 20369 of 2016 have not been made available.

3. Office is directed to make available the records of the aforesaid petitions to Sri Ankit Srivastava, learned Amicus Curiae, by 18.5.2026. Learned Amicus Curiae may prepare a chart of all the issues involved in each PIL, indicating the common issues which may be clubbed together and segregating the distinct issues petition-wise. It may also be indicated whether any issue has already been addressed.

4. List the case again on 25.5.2026.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

May 11, 2026
Sushma

Digitally signed by :-
SUSHAMA YADAV
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And Expansion Of Open Correctional Institutions In Up .....Petitioner(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, In Person

Counsel for Respondent(s) :

Court No. - 4

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE VIVEK SARAN, J.

1. Upon a case being called out today, Sri Ankit Srivastava, learned *amicus curae*, Sri Shambhu Chopra, learned counsel for the NHRC and Sri Sushil Mehrotra, learned counsel for the High Court are present.

2. We appreciate that the learned *amicus* has identified specific issues raised in individual petitions.

3. Copy of the application (un-numbered) has been made available to the other counsel. Court is about to close for summer recess. All counsel are not present today.

4. Sri Ashish Mishra, one of the learned counsel who was required to obtain instruction from the Principal Secretary and the High Powered Committee constituted under the order of the Supreme Court, is not present.

5. Accordingly, list on ***27.05.2026*** for further orders.

6. On that day all issues that require consideration by the Court may be identified and proceeded.

May 25, 2026
Deepika

(Vivek Saran,J.) (Saumitra Dayal Singh,J.)

Digitally signed by :-
DEEPIKA SINGH
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

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State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE ARUN KUMAR, J.

After the order had been passed, request was received from learned Additional Advocate General.

On such request, put up on 29.05.2026.

(Arun Kumar,J.) (Saumitra Dayal Singh,J.)

May 27, 2026
S.A.

Digitally signed by :-
SALMAN AHMAD
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And
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Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE VIVEK SARAN, J.

1. Sri Paritosh Kumar Malviya, learned A.G.A.-I states that due to some inadvertence, he could not appear on the earlier date.

2. Today, he is filing six affidavits with respect to the individual issue involved.

3. Sri Dharmendra Singhal, learned Senior Counsel and Amicus, is present. Let copies of the affidavits be served on the learned Amicus as also on individual petitioners with respect to the individual issues.

4. List on 17.07.2026 showing appropriately the names of learned Amicus.

(Vivek Saran,J.) (Saumitra Dayal Singh,J.)

May 29, 2026
gp

Digitally signed by :-
GANESH PRAKASH
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And
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Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Case called out.

2. Shri Sri Ankit Srivastava, learned amicus curae, Sri Shambhu Chopra, learned counsel for the NHRC and Sri Sudhir Mehrotra, learned counsel for the High Court and Dr. Vishnu Pandey and Shri Paritosh Malviya, learned A.G.A. are present.

3. Put up on 28.07.2026 at 2:00 p.m.

4. In the meantime, the affidavits that may have been filed by the State may be served on respective parties.

5. In any case, copies of all affidavits may be served on Shri Sudhir Mehrotra and Shri Ankit Srivastava, learned counsel for the petitioner.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

July 17, 2026
Shiv

Digitally signed by :-
SHIV KUMAR SHARMA
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And
Expansion Of Open Correctional Institutions In Up .....Petitioner(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Shri Dharmendra Singhal, learned Senior Counsel assisted by Shri Ankit Srivastava, (learned Amicus), Shri Paritosh Kumar Malivya, learned AGA-I, Shri Ashish Mishra, learned counsel for the High Court, Shri Shambhu Chopra, learned Senior Counsel assisted by Dr. Vishnu Pandey, learned counsel for the NHRC.

2. The present Public Interest Litigation (PIL) has been registered pursuant to the order of the Supreme Court dated 26.02.2026 in Writ Petition (Civil) No. 1082 of 2020 (Suhas Chakma Vs. Union of India & Ors.).

3. In compliance to the last order passed in these proceedings, Shri Paritosh Malviya has filed a compliance affidavit no. 1 of 2026. We have perused the same. It is woefully sort of our expectation.

4. By the order of the Supreme Court, almost by way of non negotiable terms, it has been observed that there is imperative necessity to establish Open Correctional Institutions (OCIs) for the benefit of convicts undergoing sentence awarded to them. In that, it has been further noted, that Model Draft Manual prepared by the Union of India already exists. The Model Prison Manual, 2016 and Model Prisons and Correctional Services Act, 2023 also exist.

4. In that backdrop, the Supreme Court has taken note of the best

practices that have emerged in the States of Rajasthan, Maharashtra and Kerala. In the State of Maharashtra, prisoners are selected for transfer to open prisons on the criteria- seniority, conduct, physical and mental ability to work. In the State of Kerala, there exist similar criteria based on good conduct and health. In the State of Rajasthan, even women prisoners are found eligible for such OCIs.

5. As to the facilities made available, it has been noted that in the State of Maharashtra, inmates are permitted to reside with their families, cultivate land and prepare their own meals and earn higher wages than those in closed prisons. In the State of Rajasthan also eligible prisoners are permitted to reside with their families, pursue livelihoods outside the camp during day hours and participate in internal self-governance and are provided education and Anganwadi facilities for children, besides setup of cooperative societies etc. In the State of Kerala, besides equal wages, opportunity for enhanced parole, higher education, diversified vocational training, spiritual and recreational activities, are also inbuilt.

6. The Supreme Court has also taken note of the report submitted by the Bureau of Police Research and Development (BPR&D), Ministry of Home Affairs, Government of India. It articulates, amongst others following normative best practices for governance of OCIs- (1) early transfer of young prisoners to promote reformation, rehabilitation and reintegration; (2) limiting prolonged confinement in closed prisons to exceptional cases; (3) shifting from agriculture-centric camps to OCIs that may be located in near urban and industrial areas; (4) aligning education and vocational training with market-relevant survival skills; (5) basing eligibility for transfer on reformative character and potential rather than incarceration suffered and gravity of offences; (6) enabling inmates to reside with families and, (7) providing better health care facilities as may not require those eligible to OCIs facilities to be hospitalize at hospitals located inside closed jails.

7. After considering other reports as to implementation by different State, viz-a-viz, the State of Uttar Pradesh, it has been noticed that only 27% of the OCIs facility has been utilized.

8. By means of the affidavit brought on record by the State, in these proceedings, it has been indicated that only one OCI facility has presently been set up inside the State of Uttar Pradesh. It is located at Lucknow. It is known as Model Prison, Lucknow. Against capacity for 800 inmates, only 316 inmates have been accommodated.

9. With respect to such OCI/Model Prison, Lucknow, it has not been disclosed to the Court, what objective criteria may have been followed, to select the 316 prisoners at that facility. It is also not disclosed what eligibility condition was set by the State Authorities against which the eligibility of individual prisoners may have been tested (across the State). Moreover, it is not known what steps are being taken to provide for optimum utilization of OCI i.e. to select the remaining 484 prisoners to be housed at the OCI/ Model Prison. In short, the policy of the State Government regarding eligibility of prisoners to be housed in OCIs has not been disclosed. Unless realistic/pragmatic policy is formulated, it will not be possible to enforce the same realistically. Setting of unrealistic eligibility conditions may only defeat the policy itself.

10. Thus, we are mindful that the best practices prevalent in the State of Maharashtra, Kerala and Rajasthan have already found the approval of the Supreme Court. Those have been noted above. Therefore, imperative need exists that the State of Uttar Pradesh revisit its policy and articulates the same in tune with the best practices that may have found the approval of the Supreme Court and as may further its own policy to reform its prisoners.

11. In the above context, it is also wholly unacceptable, to begin, that the State of Uttar Pradesh appears to have turned a blind eye to women prisoners who may have been deprived of the policy benefits solely on gender consideration.

12. Without making any observation, at this stage, we would expect that while revisiting its policy, the State Government would necessarily look into this aspect and build-in the policy- appropriate measures to extend the benefit of OCIs to women prisoners. General assurance given in the affidavit filed does not inspire much confidence. Same would be the case

with respect to the young prisoners. Strange as it may seen, younger in age may be more open to reform than an older prisoner. However, this is not by way of prescription, but general observation as it may otherwise also be true that a person who has suffered long incarceration may be more amenable to reform. Therefore, no hard and fast rule may govern eligibility to OCI facility. Rather, looking into the best practices prevalent in the States of Maharashtra, Kerala and Rajasthan, the State Government may articulate its policy to best suit its needs and the needs of the prisoners.

13. Once the best practices are built into the own policy of the State Government, further steps may arise to identify the number of prisoners who may be eligible to be housed in OCIs. Thereafter, the stage would arise to visit the steps taken by the State Government to continuously select the eligible prisoners to be housed in OCIs. Further thereafter, need may arise to examine the issue of rehabilitation avenues made available at such OCIs. Once those steps are taken and the existing OCIs facilities found to have been optimally utilized and once the total number of eligible prisoners who may be housed in such OCIs is ascertained, strict measures may be enforced to build further OCIs.

14. At the same time, on a rough and ready estimate it does appear to the Court that efforts be made to set up at least two more OCIs with equal and/or better facilities than may have been provided at Model Jail, Lucknow. This observation we make considering the fact that planning for such measures take time. Provisioning for the same takes further time and making such facilities functional also requires time. Sequentially taken, at least a year or more would be required for the State Government to actually create new facility.

15. At present, in excess of 80 thousand convicts are serving sentences awarded to them. The present facility is less than 0.1%. On that rough and ready estimate, we expect concrete measures would be undertaken by the State and informed to the Court, in due course.

16. At present, we post the matter for **18.08.2026 at 02:00 p.m.**

17. On that date: the State may file further affidavit of D.G., Prisons

disclosing in tabular form the best practices in place in the State of Maharshtra, Rajasthan and Kerala (point wise) with respect to OCIs facilities in those State, as compared to existing facilities in the State of Uttar Pradesh. Thus, that chart may contain separate columns, one each for the four States- Maharshtra, Rajasthan, Kerala and Uttar Pradesh. The first column be structured to set out numerally, the best practices prevalent in any of the States. The next four column be structured one for each of the four States, in a manner such that those columns may indicate (row wise), if such best practice is prevalent in any of the States including Uttar Pradesh. The State wise column would only contain information whether such facility is present in that State or not, with another column for a short note, where required.

18. The affidavit would also disclose; (i) procedure undertaken by the State to select 316 prisoners, presently housed at Model Jail, Lucknow.

(ii). efforts, if any, made to select the remaining eligible prisoners (484) who may be housed at the Model Jail, Lucknow.

(iii). efforts being made to find adequate land to setup at least two other OCIs inside the State of Uttar Pradesh in separate zones/divisions. If any land has been earmarked or acquired, indication may also be made of the time required to setup such other facility.

19. We also provide Shri Paritosh Malviya, learned AGA-I may make available to the learned Amicus as also Shri Ashish Mishra, learned counsel for the High Court, copies of the affidavits or report that may form part of the record of the Supreme Court containing the best practices prevailing in the States, as also the report submitted by the BPR&D. That compliance may be made within a period of ten days from today

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

July 28, 2026
Bhanu

Digitally signed by :-
BHANU PRATAP KUSHWAHA
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

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In Re For Establishment Functioning And
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State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Sri Dharmendra Singhal, learned Senior Counsel assisted by Sri Ankit Srivastava, learned Amicus, Sri Paritosh Kumar Malivya, learned A.G.A.-I, Sri Ashish Mishra, learned counsel for the High Court and Dr. Vishnu Pandey, learned counsel for the petitioner (in connected petition).

2. In compliance to the last order, Sri Paritosh Kumar Malivya, learned A.G.A.-I has filed an affidavit of the Director General, Prison Administration and Reform Services U.P. Lucknow dated 17.08.2026. Copy of the same has been made available to all learned counsel appearing in the present matter as well as in the connected petitions. We have also perused the same.

3. First, reference has been made to the pre-existing UP Model Jail Rules, 2022. Second, reference has been made to a second comparative chart of best practices as annexed to that affidavit, involving best practices adopted in the States of Maharashtra, Rajasthan, Kerala and Uttar Pradesh. Then, reference has been made to the minutes of the first meeting of the State Monitoring Committee for Management of Open Correctional Institutions (OCIs), dated 27.05.2026. Also, UP Open Correctional Institutions (Draft) Rules, 2026 have been annexed. Those are described to have been prepared pursuant to the directions issued by the State Monitoring Committee. They are pending consideration by the said Committee. Once approved, steps would be taken for its

enforcement. Then, reference has been made to budgetary provisions made by the State Government for jails.

4. Upon hearing learned amicus and learned counsel for the parties, it appears that the issues pertaining to adoption of best practices (prevalent in other States) and enforcement of new Rules, may be examined by the State Monitoring Committee, in terms of the directions issued by the Supreme Court. We, therefore, withdraw (at present) from making any observation on those aspects. Suffice to note that a copy of the affidavit of the Director General, Prison Administration and Reform Services U.P. Lucknow dated 17.08.2026 may be placed before the State Monitoring Committee by the Joint Secretary, Home Department, before the next meeting.

5. Therefore, till any other matter arises for consideration, consequent to any resolution that may be passed by the State Monitoring Committee, at present, we are proposing to confine our attention to establishment and enhancement, functioning and expansion of OCIs in the State of UP. In that regard, in paragraph No.2(vii) of the affidavit, it has been stated as below:

> *"vii. In compliance with the Hon'ble Court's directions regarding the establishment of additional open correctional institutions, the Prison Headquarters submitted a proposal, comprising the budget and action plan for the 2026-27 financial year to the government, on 2nd July 26. The proposal outlines the establishment of the following open prisons: (1) an open prison within the premises of the old unused District Jail, Azamgarh (initial capacity: approx. 60 inmates); (2) an open correctional institution at the 'Nari Bandi Niketan', Lucknow (initial capacity: approx. 50 female inmates); and (3) an open prison at Central Jail, Fatehgarh (initial capacity: approx. 100 inmates). An action plan involving an estimated total outlay of approximately ₹90 crore for the aforesaid three projects has been submitted to the State Government for consideration and approval. A copy of letter dated 02.07.2026 is annexed as* ***Annexure No. 7*** *to this affidavit."*

6. It appears that, at present, more than one month has passed since the proposal may have been made to the State Government on 02.07.2026. Thereby, three modest OCI facilities are proposed to be developed. One dedicatedly for women convicts and two others for male convicts. To the

extent, at present, only one facility exists, namely, Model Jail Lucknow, it is expected that the proposal dated 02.07.2026 would be finalized without further delays.

7. As prayed, list again on 05.10.2026.

8. By that time, three months would have passed from the date of proposal made to the State Government. If that proposal remains pending, appropriate affidavit of the Principal Secretary for the Prison Administration and Reform Services Department, Government of UP be filed containing the status report of the proposal and action taken thereunder.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

August 18, 2026

Anurag/-

Digitally signed by :-
ANURAG JAISWAL
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

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State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Today, Shri Paritosh Kumar Malviya, learned AGA-I is in difficulty. On request made on his behalf, put up on **25.09.2026.**

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

September 18, 2026
Bhanu

Digitally signed by :-
BHANU PRATAP KUSHWAHA
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

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State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Today, Bar has requested for no adverse in view of heavy rain fall.

2. Accordingly, put up on 05.10.2026.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

September 25, 2026
S.A.

Digitally signed by :-
SALMAN AHMAD
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

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Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Sri Dharmendra Singhal, learned Senior Advocate assisted by Sri Ankit Srivastava, learned Amicus, Sri Paritosh Kumar Malivya, learned A.G.A.-I, Sri Ashish Mishra, learned counsel for the High Court and Dr. Vishnu Pandey, learned counsel for the petitioner (in connected petition).

2. Despite specific observations made in paragraph Nos. 5 and 8 of the last order dated 18.08.2026, no visible progress has been made despite assurances given to the Court.

3. Today, Sri Paritosh Malviya, learned A.G.A. has filed a personal affidavit of Sri Anil Garg, Principal Secretary, Government of U.P. While no compliance has been made to the specific observations noticed above, the present affidavit only discloses that in place of the OCI facility planned at Azamgarh for 60 inmates, the State Government now proposes to establish such facility at Gautam Buddh Nagar in place of Azamgarh for 80 inmates.

4. Empty proposals and wishful thinking will take the cause no further. Against a paltry budgetary requirement of 90 crores, as disclosed to the Court in the earlier affidavit filed by Sri Prem Chand Meena, Director General, Prison Administration and Reform Services, the present affidavit does not give any assurance of such allocation/ necessary budgetary

allocation having been made and funds being made available for the facilities.

5. Confronted with the above, Sri Paritosh Malviya, learned A.G.A. prays for short accommodation to remedy the situation.

6. On his request, list on 27.10.2026.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

October 5, 2026

Anurag/-

Digitally signed by :-
ANURAG JAISWAL
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And Expansion Of Open Correctional Institutions In Up .....Petitioner(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Sri Ankit Srivastava, learned Amicus, Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Paritosh Kumar Malviya, learned AGA-I and Dr. Vishnu Pandey, learned counsel for the petitioner (in connected petition).

2. On 18.08.2026, consideration had been offered to the affidavit filed by the Director General, Prison Administration & Reform Services U.P. Lucknow dated 17.08.2026. Thereafter, it was observed as below:-

> *"5. Therefore, till any other matter arises for consideration, consequent to any resolution that may be passed by the State Monitoring Committee, at present, we are proposing to confine our attention to establishment and enhancement, functioning and expansion of OCIs in the State of UP. In that regard, in paragraph No.2(vii) of the affidavit, it has been stated as below:*
>
> > *"vii. In compliance with the Hon'ble Court's directions regarding the establishment of additional open correctional institutions, the Prison Headquarters submitted a proposal, comprising the budget and action plan for the 2026-27 financial year to the government, on 2nd July 26. The proposal outlines the establishment of the following open prisons: (1) an open prison within the premises of the old*

> *unused District Jail, Azamgarh (initial capacity: approx. 60 inmates); (2) an open correctional institution at the 'Nari Bandi Niketan', Lucknow (initial capacity: approx. 50 female inmates); and (3) an open prison at Central Jail, Fatehgarh (initial capacity: approx. 100 inmates). An action plan involving an estimated total outlay of approximately ₹90 crore for the aforesaid three projects has been submitted to the State Government for consideration and approval. A copy of letter dated 02.07.2026 is annexed as Annexure No. 7 to this affidavit."*

> *6. It appears that, at present, more than one month has passed since the proposal may have been made to the State Government on 02.07.2026. Thereby, three modest OCI facilities are proposed to be developed. One dedicatedly for women convicts and two others for male convicts. To the extent, at present, only one facility exists, namely, Model Jail Lucknow, it is expected that the proposal dated 02.07.2026 would be finalized without further delays."*

3. Thereafter, on 05.10.2026, further affidavit of Sri Anil Garg, Principal Secretary, Prison Administration & Reform Services was filed. Thereby, it was indicated that the State Government was considering to revisit its earlier proposal, with some minor modifications. Considering the same, *vide* order dated 05.10.2026, it was observed as below:-

> *"3. Today, Sri Paritosh Malviya, learned A.G.A. has filed a personal affidavit of Sri Anil Garg, Principal Secretary, Government of U.P. While no compliance has been made to the specific observations noticed above, the present affidavit only discloses that in place of the OCI facility planned at Azamgarh for 60 inmates, the State Government now proposes to establish such facility at Gautam Buddh Nagar in place of Azamgarh for 80 inmates.*
>
> *4. Empty proposals and wishful thinking will take the cause no further. Against a paltry budgetary requirement of 90 crores, as disclosed to the Court in the earlier affidavit filed by Sri Prem Chand Meena, Director General, Prison Administration and Reform Services, the present affidavit does not give any assurance of such allocation/ necessary budgetary*

allocation having been made and funds being made available for the facilities."

4. Today, further affidavit of Sri Vijay Vikram Singh, Senior Superintendent of Central Jail, Naini, Prayagraj has been filed, the same is taken on record, wherein it has been now disclosed as below:-

"7. That the physical re-inspections revealed that substantial infrastructure is already available, particularly at Central Prison, Fatehgarh, Nari Bandi Niketan Lucknow and District Jail Gautam Buddh Nagar. The proposed facilities can largely be developed by utilizing the existing buildings, with necessary additions, alterations, repairs, and establishment of essential facilities.

8. That on the basis of the detailed site re-inspections and assessment of actual requirements, the capital requirement has been revised from the initial broad estimate to approximately Rs. 4.59 crore. The revised financial proposal was submitted to the State Government for approval and necessary budgetary sanctions."

5. Thereafter, it has been further stated that efforts are being made to study feasibility of establishing Open Correctional Institutions (OCIs) at Azamgarh and Chitrakoot.

6. Also, it has been stated that against capacity of 520 prisoners at the OCI Lucknow, presently, 369 convicts are lodged at such facility. Thus, 151 slots are still available. In that regard, it has been generally stated that the efforts are being made to identify and transfer the eligible prisoners, in accordance with law.

7. Perusal of the above affidavit indicates that the issue of establishing minimum three such new facilities has been delayed. Earlier, such new facilities were proposed amongst others at Azamgarh, requiring total capital investment of about Rs. 90 crore - as per the own estimate of the State Government. That proposed amount itself should not have been an impediment - to comply with the order of the Supreme Court. Yet unilaterally the State Government, instead of proceeding to provide for the necessary funds in furtherance of its own proposal to establish three OCIs

i.e. at Lucknow (as existing), at Azamgarh and at Chitrakoot, within 20 days of the last order, revised its proposal.

8. *Vide* affidavit filed on 18.08.2026, new facilities were proposed to be set up at Azamgarh, Fatehgarh and one at Lucknow for Woman convicts, only. Then, *vide* further affidavit filed on 05.10.2026, in place of facility proposed at Azamgarh another facility was proposed at Gautam Buddh Nagar.

9. By the third affidavit filed today, now in place of Rs. 90 crore it is now stated, less than Rs. 5 crore are required. However, instead of providing those funds, again time is sought.

10. Such state of affairs cannot be allowed to continue, indefinitely. Time has come for the officers of the State to explain to the Court, personally, why the smallest steps required to carry out the reform, is delayed. Leaving all administrative discretion with the State, it is difficult to understand why no concrete steps have been taken to provide for the minimal amount of Rs. 4.60 crore to set up the three facilities, as has been assured by the State Government, from beginning.

11. In absence of any assurance or indication of assurance, as to the timeline within which, the paltry sum necessary for the reformative measures may be made available, the Principal Secretary, Prison Administration & Reform Services as also the Director General, Prison Administration & Reform Services U.P. Lucknow may remain present in Court on the next date.

12. List along with Criminal Writ Public Interest Litigation Nos. 2357 of 1997, 21033 of 2017 and 24192 of 2017 on **04.11.2026** at **2 PM**.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

October 27, 2026

#Vikram/-

Digitally signed by :-
VIKRAM GUPTA
High Court of Judicature at Allahabad

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 4 of 2026

In Re For Establishment Functioning And
Expansion Of Open Correctional Institutions In Up .....Petitioner(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Petitioner(s) : (Senior Advocate), Ankit Srivastava, Dharmendra Singhal, In Person

Counsel for Respondent(s) :

Court No. - 39

HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Sri Ankit Srivastava, learned Amicus, Sri Sudhir Mehrotra, learned counsel for the High Court and Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Nitesh Kumar Srivastava, learned AGA for the State.

2. In compliance to the last order, compliance affidavit of Sri Rajendra Pensiya, Special Secretary, Jail Administration & Reform Department, Government of U.P., Lucknow has been filed. It is taken on record. In view of the affidavit filed, personal appearance stands dispensed.

3. Acting on the last order, compliance affidavit discloses that the amount of Rs. 4.59 crore required to set up three new Open Correctional Institution (OCI) facilities at Central Prison, Fatehgarh for 100 prisoners, Nari Bandi Niketan, Lucknow for 50 women prisoners and District Jail, Gautam Buddh Nagar for 80 prisoners, has been sanctioned. Government Order No. 912 dated 02.11.2026 has been issued. Thus, the budgetary allocation has been made.

4. Though, learned Additional Advocate General would assure the Court that the new facilities, above described, would be set up without any further delays, in the nature of the issue that has arisen before us, it is imperative that the State Authorities commit themselves to a definite time frame within which not only such facilities would be set up, but identified/eligible

convicts would be placed at such facilities arising on the application of the State policy in that regard.

5. On query being made in that regard, learned Additional Advocate General would state that at present instructions are not complete. He prays for short time.

6. Let further affidavit of Special Secretary, Jail Administration & Reform Department, Government of U.P., Lucknow be filed to disclose necessary facts such as selection of agency; constructions required and the time frame to raise such constructions, to set up the facilities. Also, the affidavit would disclose the efforts that initiated or to be made to identify deserving convicts to be placed at such facilities, immediately upon the same being set up.

7. List on **20.11.2026** at **2 PM**, showing the name of learned AGA as counsel for the respondent.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

November 4, 2026

#Vikram/-

Digitally signed by :-
VIKRAM GUPTA
High Court of Judicature at Allahabad