

Civil Writ Petition No. 2264 of 2024 (O&M)

Court on its own motion Versus State of Punjab and others

Present:- Mr. Nitin Mitto, Advocate, for the applicant in
CM Nos. 3820-CWP-2024 and 3822-CWP-2024 (through v.c.)

Mr. Avnish Mittal, Addl. Advocate General, Punjab.

Mr. Dheeraj Jain, Senior Panel Counsel for Union of India.

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In pursuance to the earlier order passed by this Court, Mr. Mittal, Additional Advocate General, Punjab has placed on record a communication dated 26.04.2024 to submit that two Pakistani juvenile prisoners, namely, Abbad Hassan @ Abbas Hassan son of Ahmed Hassan and Zahid Abbas @ Jahid Abbas son of Muhammad Iqbal have been repatriated to Pakistan through ICP Attari Road, Amritsar under the supervision of Ajit Pal Singh, Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Faridkot, Counselor of Observation Home, Faridkot, Legal cum Probation Officer, Office of the District Child Protection Office, Faridkot and Punjab Police Escort, Faridkot (Punjab).

2. It has been further pointed out that for the third juvenile prisoner, namely, Ali, the counselor access was provided to him on 04.04.2024 and the similar process of handing over is going on. Mr. Mittal and Mr. Jain assure that the efforts for repatriating the third juvenile will be completed by the next date of hearing.

3. A communication dated 02.05.2024 addressed to Shri Satya Pal Jain, Additional Solicitor General of India has also been placed on record to show that the process regarding repatriation of 30 Pakistan civil prisoners who have already completed their sentence and are currently lodged in Central Jail, Amritsar, is under active consideration with the Ministry of Home Affairs,

(Foreigners Division) Government of India and necessary exercise would be undertaken with the consultation of all the stake holders and it requires some more time.

4. Mr. Jain points out that in 30 cases except in three cases mentioned at Sr. Nos. 24, 29 and 30 in Annexure-A, No Objection from the State Government of Punjab and clearance from the security agencies and Ministry of External Affairs is awaited.

5. Mr. Mittal, Additional Advocate General, Punjab on instructions from Mr. Anil Bhandari, Deputy Superintendent of Police (Prisons), Government of Punjab, undertakes that necessary No Objection Certificates will be supplied to Mr. Jain, Senior Panel Counsel for Union of India for onward transmission to the Ministry of Home Affairs, Government of India so that needful can be done by the next date of hearing. We are sanguine that effective necessary steps will be taken by the next date of hearing so that 30 Pak prisoners can be repatriated at the earliest since they have already completed their sentence.

6. The additional issue which has arisen is that on receiving information of the pathetic conditions of the Sub Jail, Pathankot, the inspection of the said jail was got done on 27.04.2024 by Sh. Manjinder Singh, Member Secretary, Punjab State Legal Services Authority and Smt. Smriti Dhir, Additional Member Secretary, Punjab State Legal Services Authority in presence of the District and Sessions Judge, Pathankot.

7. During inspection, it was found that there were 278 inmates against the sanctioned strength of 280 and the washrooms attached with 8 Chakkar Ghars were in pathetic condition and there was seepage on all the walls and even doors of all the washrooms were decrepited. Further, the seepage on the walls and ceiling of all the barracks was manifest and even washrooms were unkempt. The photographs as such taken at the time of

inspection also depicted dilapidated condition of the washrooms and barracks. The reason for the seepage which was given that the solar system was installed on the roof top of the jail premises and instead of constructing a platform before installing a solar panel, direct drilling was done on the floor of the roof top. Due to the same action, the rain water was seeping through these openings and the seepage had drained throughout the walls and ceiling of the barracks and chakkar ghars. The water pipes had burst due to the pressure of the water being supplied through submersible, which was the another difficulty being faced. The Water tank having capacity of 5000 or more gallons of water had to be constructed. The Jail Superintendent has put forth his limitation that due to financial constraints, the maintenance work could not have been got done. It was also noticed that on an earlier occasion on 29.09.2023, the Administrative Judge had also noticed the same and a repair estimate worth Rs.62.76 lacs had been prepared by the PWD but nothing has been done thereafter.

8. It is, thus, apparent that the State has to take proactive steps as such to get the condition of the jails in a livable condition.

9. Accordingly, we hereby direct the State of Punjab and the Additional Director General of Police (Prisons), Punjab to ensure that the maintenance work is carried on the said premises before the ensuing monsoon season and submit a detailed report in this regard before the next date of hearing.

10. Let status reports be filed before the next date of hearing.

11. List again on 11.07.2024.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

02.05.2024
ravinder