

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

WP(PIL) No. 18 of 2024In the matter of Suo Moto PIL **Versus** The State of Chhattisgarh & Others

11.03.2024	<p>This case has been registered <i>suo moto</i> on the basis of data collected from various Jails situated in the State of Chhattisgarh.</p> <p>Ms. Anam Ansari, daughter of Mohd. Ahsan Ansari and Mushtak Ansari and Smt. Khairunnisha Ansari, who are parents of Mohd. Ahsan Ansari, had written letters on various dates stating that Mohd. Ansari is a convict and confined in jail since 2010 in regard to an offence under Section 302 of the IPC and his appeal is pending before this Court since 2014. However, on perusal of records, it transpired that the said criminal appeal has been dismissed on 21.04.2023 affirming the order of the learned trial Court. It has been further stated in the letters that because of confinement of the sole bread earner, they are living a life in misery.</p> <p>Pursuant to the aforesaid letters, data have been collected from the Central Jails and District Jails situated in the State of Chhattisgarh with regard to (i) children living with female prisoners in jail (ii) details of convicts having conviction of more than 20 years of imprisonment and appeal has been dismissed from the Hon'ble</p>



Supreme Court of India (iii) the capacity of jail and total number of prisoners actually kept in jail (iv) number of prisoners who are skilled professionals like carpenter, plumber, painter, gardener, farmer etc. (v) number of prisoners who are senior citizens (vi) number of prisoners who tried to escape the jail.

A compilation has been prepared which shows that there are 82 children living with female prisoners in jail. 340 convicts who have been convicted for more than 20 years of imprisonment and their appeals have been dismissed by the Hon'ble Supreme Court, the total capacity of Jails is 15,485 against which 19,476 prisoners are confined and a total number of 1,843 prisoners are skilled professionals, 504 are senior citizens and 4 prisoners had tried to escape the jail.

The above report shows that the number of prisoners confined in the jails is much higher than its actual capacity.

There are 340 convicts who have been sentenced to undergo imprisonment for more than 20 years and their appeals have also been dismissed by the Hon'ble Supreme Court. What would be the plight of those inmates who have to remain in confinement for such long period of time can be easily understood.

This PIL has been registered *suo moto* in order to explore the



possibilities with regard to implementation of concept of open jail and whether the same would be feasible in the State of Chhattisgarh or not?

When an criminal/offender is confined in jail, it is not only the person who had committed the crime suffers, but at times, when the said offender is also the sole bread earner of the family, the entire family suffers. After undergoing long period of incarceration, when the prisoner is released at the fag end of his life, he is unable to sustain himself and his family in any manner and as such, it is the duty of the State to explore all the possibilities which may help an inmate to lead a normal life of a law abiding citizen when he is released.

The paradigm of reformative punishment does not support the traditional inhuman jails with bars but is more liberal and supports the concept of open prisons, which is a trust-based prison with minimum security. The concept of open jail is not new in India and the State of Rajasthan, Maharashtra and Himachal Pradesh have the maximum number of active open prisons.

An open jail provides a congenial atmosphere which would help the offender to socialize even before he is actually released from the jail. There are quite good number of prisoners who are skilled professionals whose services may be utilized and in turn they



may also earn something for their future.

Mr. Prafull N bharat, learned Advocate General assisted by Mr. Y.S.Thakur, learned Additional Advocate General submits that they would go through the records and the data collected and pray for grant of four weeks time to seek appropriate instructions.

In view of the above, the Chief Secretary, Government of Chhattisgarh, is directed to file an affidavit in this regard.

List this case on **15th April, 2024**.

Registry is directed to supply a copy of relevant documents to the learned Advocate General.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice