

CWP-13213-2018 (O&M), CWP-21641-2017, CWP-19694-2013 and
CWP-22582-2016

Court on its own motion Vs. State of Punjab and others

Present : Mr. Amitabh Tewari, Advocate (Amicus Curiae),
in CWP-13213-2018.

Mr. Gaurav Chopra, Senior Advocate (Amicus Curiae), with
Mr. Anurag Chopra, Advocate,
in CWP-19694-2013.

Mr. Deepak Sabherwal, Advocate (Amicus Curiae),
in CWP-22582-2016.

Mr. Dheeraj Jain, Senior Panel Counsel, UOI.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. J.S. Toor, APP for U.T. Chandigarh, and
Mr. Adhiraj Toor, Advocate.

A perusal of the order dated 28.07.2023 passed in CWP-22582-2016 shows that as per the affidavit dated 28.04.2023 filed on behalf of the State of Haryana, many posts of Doctors and Medical Officers in Jails in the State of Haryana were laying vacant. The State of Haryana shall file a better affidavit clarifying as to what steps have been taken to fill up these posts.

In the status report dated 06.11.2023, filed by way of affidavit of the Deputy Inspector General of Prisons, Punjab, it has been stated that during 2012-2023, 42 cases of unnatural deaths were disposed of by the National Human Rights Commission and the Punjab State Human Rights Commission. Detail of such cases has been placed on record as Annexure R-3. It is further stated that a three-member committee has been constituted to review the situation of over-crowding of prisoners in the jails. In paragraph 10 of the status report, it has been

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stated that out of sanctioned strength of 42 Medical Officers for Central and District Jails in the State, 36 posts have been filled up and the remaining 06 posts are lying vacant. It has been further stated that out of 48 sanctioned posts of Pharmacists in the Punjab Prisons Department, 35 posts have been filled up and the remaining 13 posts are lying vacant. Detail of the medical staff posted in Jails in the State of Punjab has been placed on record as Annexure R-7.

Mr. Sabherwal, learned amicus curiae, appearing in CWP-22582-2016 has referred to a news item published in the daily Hindustan Times in its edition dated 02.08.2023, mentioning that during a survey of jail inmates in the State of Punjab, conducted from June 15 to July 19, 23% prisoners were suffering from Hepatitis C.

Keeping in view the aforesaid news item, the States of Punjab and Haryana are directed to file their respective affidavits explaining as to how the prisoners suffering from Hepatitis C, in their respective States, are being treated.

List again on 25.01.2024.

A copy of this order be placed on the files of the connected cases.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

January 16, 2024
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