

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

WRIT PETITION (PIL) NO. 136 OF 2020

With

WRIT PETITION (PIL) NO. 91 OF 2019

31st March, 2021

Counsel for the petitioner : Mr. Kishore Kumar, learned
counsel in WPPIL No. 136 of 2020

Mr. J.S. Virk, learned *Amicus Curiae* in WPPIL no. 91 of 2019

Counsel for the respondents : Mr. C.S. Rawat, learned Chief
Standing Counsel with Mr. Vikas
Pande, learned Standing Counsel
for the State

The Court made the following:

ORDER: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

In compliance of the order dated 03.03.2021, Mr. A.P. Anshuman, the Inspector General of Prison, Uttarakhand, has submitted an affidavit. The same is taken on record.

2. Bare perusal of the affidavit clearly reveals that the affidavit is shorn off concrete details. It is absolutely vague in its content.

3. In para 3-F, Mr. Anshuman has mentioned the different facilities which are being provided in different jails. However, he has failed to mention, how many training halls and sheds are available in District Jail, Haridwar? Although, he claims that there is a skill development programme, the exact nature and the content of the programme has not been revealed.

4. Similarly, in para 3-F(x), he claims that "*CCTV cameras are proposed for every jails. In first phase, CCTV cameras are being installed in Dehradun, Haridwar jail and sub-jail Haldwani*". However, it is unclear as to when the first phase began? The present status of the first phase? When the second phase would begin? And the time frame required for ensuring that CCTV cameras are installed in all the jails. The critical information is conspicuously missing from the affidavit.

5. Likewise, in para 4, Mr. Anshuman mentions that "reformative techniques are used". He further mentions that "*training is being provided to the inmates with regard to the stitching, carpentering, powerloom, nursery / gardening under the Kaushal Vikas Yojana*". However, he does not mention whether the Kaushal Vikas Yojana is being implemented in all, or some of the

jails? If the said Yojana is being implemented in some of the jails, then in which jail it is being implemented? He further mentions that "*distance education has been imparted by IGNOU and NIOS*". However, the affidavit does not mention, whether the education being imparted by these two organizations is being imparted on a daily, weekly or monthly basis? And education in which subject is being imparted by these two organizations?

6. He further claims that "*training is being imparted by volunteers of Dev Sanskrit University and Shanti Kunj, Haridwar*". However, he does not mention as to what the training relates to? Whether it is the training in academic area, or in technical area, or vocational area? Moreover, there is no indication whether the volunteers of Dev Sanskrit University are the students, or the faculty members of the said University.

7. He further mentions that "*in District Jail, Tehri, the basic course of Art of Living is being conducted by live telecast*". But it is unclear as to whether the said live telecast is being conducted by Shri Shri Ravishankar himself, or by his devotees, or trained personnel.

Moreover, it is unclear whether the live telecast is being done on daily, weekly or monthly basis?

8. He also claims that "*the use of 'ringals' to the prisoners, contract is being made with THDC and CSR branch for making baskets, decoration items etc.*"

However, it is unclear, whether any MOU has been entered between the jail department and the THDC, or not? It is unclear as to what the abbreviation "CSR" stands for? It is further unclear, whether these decorative items made by the prisoners would be marketed through THDC, or through other agencies, government or non-government agencies?

9. In his affidavit, he has also revealed that there is a large vacancy in the jail department. Although, the sanctioned strength of the department is 1030 posts, the working strength is 624. Thus, there is a vacancy of 407 posts. However, he has not mentioned as to how the said vacancies are scheduled to be filled up? And the time period it would take to fill up these large vacancies.

10. According to Mr. Anshuman, there is a grave problem of overcrowding, practically in most of the jails of the State. The District Jail in Dehradun has capacity of housing 580 inmates, but presently has 1421

inmates; District Jail, Haridwar has capacity of 840, whereas presently it houses 1328 prisoners; likewise, sub-jail, Haldwani, was constructed for housing merely 382 prisoners. But presently, it houses 1756 prisoners. According to Mr. Anshuman, the total capacity of all the jails is for housing 3540 prisoners, whereas presently 6608 prisoners are being housed. Thus, obviously the problem of overcrowding stares all of us in our face. Despite the problem of overcrowding, the Government has sanctioned construction of only three new jails in District Pithoragarh, Champawat and Udham Singh Nagar. However, when these three jails were sanctioned? What is the status of the construction of the three jails? What is the capacity of these three jails, is unclear.

11. Even, while dealing with the compliance of directions issued by the Hon'ble Supreme Court, Mr. Anshuman merely mentioned "*that a Committee has been constituted at the State level for proper implementation of Model Prison Manual*". However, neither the constitution of the Committee, nor the date of its constitution, nor the Government Order by which this Committee is constituted, has been submitted before this Court. He further claims that the prison

inmates calling system has been installed. However, it is unclear, whether the said system has been installed in all the jails of the State, or in only a few of them?

12. Lastly, he claims that tender notice has been floated for construction of District Jail, Udham Singh Nagar. However, the status of this tender notice is unclear. Moreover, although he claims that "*45 Type-II residential quarters have been constructed for the staff of sub-jail Haldwani*", it is unclear, whether the residential accommodations have been allotted, or not? Although he mentions that the construction work of residential quarters of District Jail, Nainital is in progress, but the status of such a progress is unclear.

13. Surprisingly, while dealing with the inmate population, Mr. Anshuman does not reveal the number of under-trials, and number of convicted prisoners. Moreover, he does not reveal the basis of classification of the under-trials, and the convicted prisoners.

14. Therefore, this Court directs Mr. A.P. Anshuman, the learned Inspector General of Prisons, to submit a more detailed and a more clear affidavit on the points mentioned here-in-above. He is directed to submit the said affidavit on or before 19.04.2021.

15. Let a certified copy of this order be supplied to the learned counsel for the parties, on payment of the prescribed charges, by tomorrow.
16. List this case on 20.04.2021.

RAGHVENDRA SINGH CHAUHAN, C.J.

ALOK KUMAR VERMA, J.

Dt: 31st March, 2021
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