

Chief Justice's Court

In re : Reference to the condition of District Jail, Basti.

Hon'ble Govind Mathur, Chief Justice
Hon'ble Shashi Kant Gupta, J.

A report from Sri Vinay Kumar Jaiswal, Secretary, District Legal Services Authority, Basti pertaining to his inspection of District Jail, Basti has been received by Hon'ble Administrative Judge, District Judgeship, Basti. Hon'ble Administrative Judge forwarded the same to the Chief Justice for necessary action. The Chief Justice, in his administrative functioning, considered it appropriate to place the report before the Bench having roster to hear public interest litigation. Accordingly, the same is before us.

On going through the report, it appears that in District Jail, Basti beside over-lodging of prisoners beyond its capacity several other deficiencies are existing. In the detailed report, the Secretary, District Legal Services Authority, Basti has noticed lack of hygiene, cleanliness, medical facility, infrastructural issues and the issues relating to vocational training. It is also stated that the parole applications submitted by the inmates too take much time in their disposal. No library facility is available at the prison and no material is made available for executing literacy and education programs. One teacher is certainly posted there, but he is not usually attending the prison. Most of the CCTV cameras are also non-functional. As per the averments contained in the report, the prisoners suffering with corona virus infection are kept in a separate building, but no corona virus protocol is adhered there.

In entirety, the report reflects apathy of the Authorities concerned to have reasonable prisons which are necessary to lodge convicted as well as under-trial prisoners.

Suffice to state that in globally accepted criminal jurisprudence,

the doctrine of deterrent punishment is leaving space for reformatory theory. In our country, we have accepted a mixed formula, i.e., of deterrent punishment and reformation of criminal in prisons which are nowadays known as reformatories (सुधारगृह). It is also well settled that the prisoners too are having human-rights and whatever requirements noticed in the report are nothing, but essential ingredients to ensure application of the rights aforesaid.

In view of it, we deem it appropriate to call upon the State to respond the report and also to take all necessary steps to satisfy the deficiencies so pointed out. The appropriate and remedial action be taken forthwith.

A copy of the report alongwith copy of this order be supplied to Sri Manish Goyal, learned Additional Advocate General appearing on behalf of State of Uttar Pradesh today itself.

Let this petition for writ be listed on 25th November, 2020 as a fresh case.

Order Date : 11.11.2020

Shubham

(Shashi Kant Gupta, J.)

(Govind Mathur, C.J.)