

WP-9320-2021 & WP-8391-2020

[1]

**THE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH,**  
**AT JABALPUR**

**(DIVISION BENCH)**

**WP-9320-2021 (PIL)**

*In Reference (Suo Motu)*

*Vs.*

*The State of Madhya Pradesh & others*

**WP-8391-2020 (PIL)**

*Madhuri Krishnaswami*

*Vs.*

*The State of Madhya Pradesh & others*

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**Coram :**

**Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice**

**Hon'ble Mr. Justice Vijay Kumar Shukla, Judge**

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**Presence :**

Mr. Sankalp Kochar, Advocate appeared as *Amicus Curiae* in WP-9320-2021.

Mr. Chander Uday Singh, Senior Advocate assisted by Mr. Bhavil Pandey and Ms. Aditi Pradhan, Advocates for the petitioner in WP-8391-2020.

Mr. Pushpendra Yadav, Additional Advocate General for the State of Madhya Pradesh.

Mr. Ajay Gupta, Advocate for the intervenor in WP-9320-2021.

Mr. Dharmendra Singh, Member Secretary, Madhya Pradesh State Legal Services Authority, Jabalpur.

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*Whether approved for reporting: Yes.*

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Heard on : **27.09.2021**

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**ORDER**

*(Passed on this 30<sup>th</sup> day of September, 2021)*

**Per: Mohammad Rafiq, Chief Justice**

**Writ Petition No.9320/2021 (PIL)** was registered on *suo motu* cognizance taken by this Court on 07.05.2021 in view of unprecedented situation faced by the country following second wave of Coronavirus (COVID-19). This Court in the aforesaid order dated 07.05.2021 had taken cognizance of the situation of COVID-19 in prisons of the State affecting both under-trial and convicted prisoners, particularly because all the prisons/jails in the State were having more than double the prisoners against their capacity and were therefore needed to be immediately decongested. Various orders have been passed from time to time for grant of parole to the convicts and temporary bail to the under-trial prisoners.

**Writ Petition No.8391/2020 (PIL)** has been filed by Madhuri Krishnaswami highlighting the issue of overcrowding of prisons in the State and urgent need of decongesting them. During the pendency of the petition, Mr. Sankalp Kochar, learned *Amicus Curiae* inviting attention of the Court towards pathetic condition of the prisons in the State, has given numerous suggestions for reforms in the jails/prisons of the State. Suggestions to this effect have also been given by Mr. Chander Uday Singh, Senior Advocate appearing for the petitioner in WP-8391-2020 and Mr. Ajay Gupta, learned counsel appearing for the intervenor- Mohd. Alauddin in WP-9320-2021.

2. Mr. Sankalp Kochar, learned *Amicus Curiae* has submitted a detailed note containing several suggestions for improving condition of the prisons in the State vide IA-5007-2021, many of which are based on the judgment of the Rajasthan High Court in *DB Civil Writ Petition (PIL) No.2808/2012 (Suo Motu vs. State of Rajasthan and others) dated 27.01.2016* and also on the basis of inputs received from various reports of the National Crime Report Bureau, recommendations of Mulla Committee Report, 1983, report of All India Committee on Jail Reforms 1980-83 and Model Prison Manual, 2003. Suggestions given by learned *Amicus Curiae* are listed hereunder:

**2.1.** In view of the report of National Crime Report Bureau, 2019 (NCRB), there are only 31 jails in India exclusively reserved for women in 15 States and Union Territories, but State of Madhya Pradesh does not have even a single women jail. The women are being kept in a small portion of the general prisons where all male prisoners are also lodged;

**2.2.** Depsite special enactment of Madhya Pradesh Borstal Act, 1928 and Madhya Pradesh Borstal Rules, 1960, which intended to setup Borstal Schools with the objective of ensuring care, welfare and rehabilitation of young offenders by providing them vocational training, not even a single Borstal School is presently functional in the State. This would be necessary for youth offenders, aged between 18-21 years, for their timely reformation by engaging them in moral lessons, parades, physical and vocational training. Keeping

them with hardened criminals increases the chance of them going off the road;

**2.3.** As per the information provided by the jail authorities, a doctor for mental patients visits every week for their treatment, which arrangement is wholly insufficient. The prisons of the State of Madhya Pradesh do not have even a single Psychologist/Psychiatrist, as per the data provided by the NCRB in their report of 2019. Due to lack of broad spectrum of mental illness, the prisons inevitably become homes for a greater number of mentally ill prisoners of various degrees;

**2.4.** The Ministry of Home Affairs, Government of India has prepared a detailed advisory dated 24.06.2021 titled as “Dealing with Mental Health Issues in Prisoners during COVID-19: A Handbook”. Under Mental Healthcare Act, 2017 the Medical Officer of the prison has to send quarterly reports to Mental Health Review Boards about the status of prisoners with mental illness, but as per RTI reply dated 12.10.2020 provided by the Ministry of Health and Family Welfare only three States, namely, Tripura, Uttarakhand and Himachal Pradesh have so far constituted such Mental Health Review Boards. The State of Madhya Pradesh should also setup such Mental Health Review Boards. The aforesaid advisory issued by the Ministry of Home Affairs also recommends presence of at least one doctor, one physician, one psychiatrist, one dermatologist, one gynecologist, one surgeon, two nurses and four counsellors for

every 500 inmates, which is also recommended by Model Prison Manual, 2016. This aspect is totally neglected in the prisons of the State of Madhya Pradesh;

**2.5.** Green Jail model of Narsinghpur should be emulated everywhere in the State;

**2.6.** The only prison in the State of Madhya Pradesh having ISO 9001:2015 certification is Bhopal Central Jail, wherein also the security arrangements are far inferior when compared to other ISO certified jails. Endeavour should be made to get ISO 9001:2015 certification for all eleven Central Jails of the State;

**2.7.** Special provisions/facilities should be made for disabled inmates keeping in view the international conventions about their rights, consistent with the Rights of Persons with Disabilities Act, 2016 and jail staff should be sensitized about their rights;

**2.8.** Separate protocol, treatment and accommodation should be provided for mentally disabled inmates. There are total 752 mentally ill inmates lodged in different jails of Madhya Pradesh;

**2.9.** United Nation Standard Minimum Rules for Treatment of Prisoners (**The Nelson Mandela Rules**) should be strictly implemented;

**2.10.** The Telangana model of training inmates in vocational trades should be followed, as the State of Telangana has the highest gross value of sale proceeds from the products of jails i.e. Rs.599.89

crores in the year 2019. Unfortunately, the State of Madhya Pradesh despite having 2<sup>nd</sup> highest number of inmates, ranked 16<sup>th</sup> on the gross value of sale proceeds from the jails products i.e. only Rs.2.77 crores in the year 2019 as against the total proceeds of Rs.818.96 crores in all the jails of the country, as per the data of the National Crime Record Bureaus' Prison Statistics India, 2019;

**2.11.** The Welfare Board for Prisons, which is dis-functional in the State, should be re-activated. As per the Prisons Statistics of 2019 published by the National Crime Record Bureau, the State of Madhya Pradesh has not provided financial assistance to prisoners on release and not even a single convict has been rehabilitated;

**2.12.** A mechanism should be introduced for speedy resolution of pending complaints of the prisoners before the National Human Rights Commission and the State Human Rights Commission;

**2.13.** Most of the prisons in the State are working with less than 50% of the sanctioned number of posts, specially the posts of Residential Medical Officers, Welfare Officers and Para Medical Staff, in dispensaries of Central Jails are lying vacant. All the unfilled vacancies of different levels/categories in the jails should be filled so as to optimize the efficiency of jail staff;

**2.14.** Number of natural deaths due to illness in the prisons of the State in the year 2019 was as high as 156, which is 2<sup>nd</sup> highest figure in any State of the country. This highlights that there is an urgent

need for improving living conditions in the prisons by focusing on prevention of disease rather than only treatment;

**2.15.** There is an urgent need for amendment and rationalization of the parole rules which are having lot of infirmities. For example, parole can be granted to a person convicted under Section 302 of the Indian Penal Code simpliciter but cannot be granted to a person convicted under Section 302 with the aid of 149 of the Indian Penal Code;

**2.16.** Adequate number of toilets and bathrooms should be constructed in the prisons keeping in view the Rule 17 of the Standard Minimum Rules, recommendations of Mulla Committee Report, 1983, All India Committee on Jail Reforms, 1980-83 and Model Prison Manual, 2003. One unit of the toilet fitted with flush typed latrine and cubical for bathing should be provided for every batch of 10 prisoners, with adequate water and proper arrangement to secure privacy of both by affixation of gates;

**2.17.** Regular cleaning of the toilets and bathrooms and lifting of garbage from all the jails of the State should be ensured through the local municipalities;

**2.18.** As per Chapter 24.41 of the Model Prison Manual, 2003, there should be separate kitchen for every 100 prisoners, but the Mulla Committee Report, 1983 has vide Recommendation No.56 and 62 recommended that each of the kitchen should cater a maximum

number of 200 prisoners. Practice of preparing food for 1000-2000 inmates at one go should be discontinued;

**2.19.** Quality of 'roti' (chapati) provided in jails being very poor, automated roti makers should be procured to ensure supply of healthy and properly cooked rotis to the prisoners;

**2.20.** Menu of the breakfast, prevalent since ages, should be revised in tune with present times;

**2.21.** One sweet item should be provided to the prisoners once in a week, preferably on every Sunday during lunch hours;

**2.22.** The possibility of entering into a memorandum of understanding with Akshay Patra so as to provide quality food to the prisoners should be explored;

**2.23.** The cooks, mostly prisoners themselves, working in kitchens of the prisons, should be provided training for improving the quality of the food;

**2.24.** In order to avoid spread of water borne diseases, water filtering plants should be setup in all Central Jails and District Jails of the State;

**2.25.** Weekly camps for treatment of various diseases such as skin, psychological problems, tuberculosis, dental, eyes etc. should be held on different days of the week;



**2.26.** A separate dental care unit in each Central Jail of the State should be established with periodical availability of a dentist from nearest Government Dental Hospital;

**2.27.** Basic diagnosis facilities such as X-Ray, Sonography, ECG, nebulizer, basic blood tests etc. with trained staff should be provided in each of the dispensaries of the Central Jails;

**2.28.** One functional ambulance should be provided to each Central Jail of the State;

**2.29.** Minimum four daily newspapers and four monthly magazines in Hindi language should be provided in each barrack of the Central Jails and an English daily newspaper be also provided on demand by any of the prisoners;

**2.30.** Each Central Jail should procure minimum 100 novels, preferably in Hindi language, on annual basis, for which annual budget of Rs.1 lac. per annum should be provided to each Central Jail;

**2.31.** The prisoners should be shown one movie in Jails every fortnight by shift arrangement;

**2.32.** Regular sports and gaming activities should be promoted in jails so as to channelise and ventilate the anger aggression, sense of helplessness, hopelessness and emotional problems of the prisoners, for which each Central Jail should be provided minimum Rs.50,000/- per annum for procuring sports equipment. Inter-jail

sports competition should also be periodically held in all the Central Jails of the State;

**2.33.** Regular Yoga and Meditation classes be also conducted in jails with the help of individuals/NGOs for improving the mental health of the prisoners;

**2.34.** One Industrial Training Institute in each Central Jail of the State should be established with atleast two trades to begin with, on pattern of Central Jails in Rajasthan;

**2.35.** Jail Authorities should collaborate with Indira Gandhi National Open University and such other educational institutions for arranging regular educational facilities for inmates. Highly/well educated prisoners in the jails should be identified for educating the illiterate/semi-literate prisoners;

**2.36.** Several manual looms and weaving machines/other machines lying out of order in Udhyogshalas of different Central Jails, should either be immediately got repaired, so as to put them to effective use or replaced by new machines to carry on vocational activities;

**2.37.** The Government in its Department of Skill Development should prepare a comprehensive scheme, so as to introduce new vocational activities like pen manufacturing, book binding, manure making, screen printing, envelope making, tailoring, zari making and cutting, shoe making and other leather items, candle/agarbatti making, broom making, jewellery making, handloom, weaving,

tailoring, carpeting, soap, diamond polishing and preparing bakery items and also food items like pickles, bhujia, snacks, pakoda, samosa, kachori etc. in the jails of the State;

**2.38.** The Government, in order to promote industrial activities in and for the jails, should consider setting up a permanent State Level Jail Industrial Board and should also consider providing tax incentives to entrepreneurs, who invest in setting up cottage industry in and for the jails, to provide employment to prisoners;

**2.39.** The jail officials should visit Central Jail, Tihar and also jails of other adjoining States to decide as to what new and additional vocational activities can be introduced in the jails of the State by involving Non-government organizations (NGOs). Possibility of setting up retail outlets for sale of the consumer items manufactured by the prisoners in different court premises of the State and at other prominent places may also be explored;

**2.40.** The prisoners be encouraged to involve in recreational activities like drama, singing, debates, painting etc., wherefor necessary infrastructure be provided to the jail administration with provision of at least Rs.25,000/- per annum for every Central Jail;

**2.41.** In order to take care of problem of over crowding, sufficient number of barracks/dormitories/cells in the jails of the State be constructed as per the parameters set by Mulla Committee Report, 1983 and All India Committee on Jail Reforms 1980-83. The Government should evaluate, on the basis of prevalent over

crowding in all the Central Jails of the State, taking 1st January, 2021 as the basis and decide number of additional barracks/dormitories/cells, which are required to be constructed. Necessary budgetary provisions for construction of such barracks/dormitories/cells on priority basis be procured in the ensuing budget so as to get them constructed at the earliest.

**2.42.** Adequate number of visiting rooms should be constructed to provide proper facilities therein for meeting of the prisoners with their relatives in peace;

**2.43.** Prisoners should be provided lockers and shelves to keep their belongings;

**2.44.** Use of video conferencing facility should be made effectively functional in all Central Jails of the State for the purpose of remand proceedings so as to ease the pressure of providing guards on jail administration and to have video conferencing between prisoners and their lawyers at the High Court and District Courts in the first phase and with their relatives, in second phase;

**2.45.** Guidelines should be framed for segregation of political prisoners and the system of keeping the so-called VIP prisoners away from ordinary prisoners, in absence of specific guidelines, should be discouraged;

**2.46.** A nucleus regular staff of Public Works Department should be made available in the Central Jails for day to day/regular repair works;

**2.47.** The Collectors of each district should be directed to constitute Board of Visitors, who should periodically visit the jails;

**2.48.** District Collectors/Additional District Collectors and Sessions Judges/Chief Judicial Magistrates of each district should periodically visit the jails and submit their report/notes;

**2.49.** Sufficient number of Open Air Jails/Open Air Camps should be setup in the State;

**2.50.** Jail Manual of the State has become quite old and obsolete, therefore it should be re-drafted by incorporating new inputs;

**2.51.** CCTV Cameras should be installed at strategic locations in all the Central Jails and the District Jails;

**2.52.** All unfilled posts of Jailers/Wardens/Jail Superintendent etc. in the Jail Department of the State should be filled within a time bound period;

**2.53.** The segregation of under-trial prisoners from convicted prisoners should be ensured;

**2.54.** Special provisions for healthy diet to be provided to the infants and children staying with women prisoners in Mahila Jails should be made and creche should also be setup for them with provision of toys and other sports equipments;

**2.55.** Regular/periodical visits of the Gynecologists and psychiatrists and other specialist should also be ensured in the Mahila Jails.

**2.56.** Prison officials shall provide all essential amenities to the prisoners such as clothes, slippers, soap, toothbrush and toothpaste etc and sanitary napkins for women prisoners;

**2.57.** Citing from the order dated 15.05.2019, passed by the Rajasthan High Court in *DB Civil Writ Petition (PIL) No.2808/2012 (Suo Motu vs. State of Rajasthan and others)* learned *Amicus Curiae* submitted that different oil companies, such as Indian Oil Corporation, Bharat Petroleum Corporation, Hindustan Petroleum Corporation and other companies have allotted retail outlets to different prisons in the State of Tamil Nadu, Andhra Pradesh, Maharashtra and Telangana. A total of 293 prisoners are presently working on such retail outlets in the State of Telangana alone, who earn approximate Rs.30 lakh through each such petrol pump/outlet. The possibility for getting such outlets allotted by the oil companies atleast, one each for eleven Central Jails of the State, should be explored;

**2.58.** As regards welfare measures, it has been suggested by learned *Amicus Curiae* that phonelines and internet access terminals should be expanded by 25-30% at all prisons so that inmates can have access to them atleast 20-30 minutes every week by way of phone calls and e-mulaqats.

**2.59.** The overall budgetary allocation for health of prisoners is a meagre 4.3% of the total allocation for prisons, which need to be suitably enhanced as per NCRB reports;

**2.60.** Justice Amitava Roy Committee constituted by the Apex Court in “Inhuman Conditions in 1382 Prisons” reported in **(2016) 3 SCC 700** has given various suggestions, which should be implemented in the prisons of the State especially with regard to the speedy trial, increasing lawyer to prisoner ratio through legal aid system, setting up special fast-track courts, avoid adjournment, use of video conferencing for trial, filling vacancies of the jail staff, introducing modern cooking facilities and canteens to buy essential items.

**3.** Mr. Chander Uday Singh, learned Senior Counsel appearing for the writ petitioner in WP-8391-2020 has invited attention of the Court towards the application dated 12.05.2021 placing on record the breakup of Madhya Pradesh Prison Population Statistics from January 2020 until March 2021, showing a steady increase in the prison population in the State of Madhya Pradesh during the pandemic. A list of jails in the State with the highest occupancy percentages is produced on record as Annexure-A/25. Learned Senior Counsel argued that it would be evident from the aforesaid list that as on 31<sup>st</sup> March, 2021 as against the total capacity of 28675 prisoners, there were 32263 under-trial prisoners and 17311 convict, totaling to 49763 prisoners, lodged in the different jails of the State. The overcrowding is thus to the extent of 174% of which surprisingly the share

of under-trial prisoners is 64.8%. The learned Senior Counsel submitted that starting from January, 2021 till the end of March, 2021 fluctuation of prison population would indicate that during the peak of second wave of COVID-19, the percentage of under-trial prisoners in the State of Madhya Pradesh has undergone an enormous increase, thus, showing clear violation of the principles of law laid by the Supreme Court in *Arnesh Kumar vs. State of Bihar* and another reported in (2014) 8 SCC 273 and the order of the Supreme Court dated 23.03.2020 in *In Re: Contagion of Covid-19 Virus in Prisons Suo Moto Writ Petition (Civil) No.1/2020*. Reference is made to a letter addressed to the Chief Justice of this Court by certain individuals highlighting the position of overcrowding in the jails and immediate need of decongestion. Reference is also made to an article published in the Caravan Magazine titled as “Condemned Without Trial: India’s under-trials” in the context of overcrowding of prisons in the State of Madhya Pradesh, placed on record as Annexure-A/27.

4. Mr. Ajay Gupta, learned counsel appearing for the intervenor has submitted that there are in the State total 50 prisons of which 11 are Central Jails and rest are District Jails, apart from various sub-jails. Learned counsel submitted that there is an urgent need for augmentation/improvement of the health care facilities in the prisons of the State of Madhya Pradesh, which are wholly insufficient. The current facilities available in the prisons of the State are wholly inadequate due to which many prisoners, who are suffering from different kind of chronic



diseases, usually succumb to death. In certain cases, the prisoners have to be taken to the nearest Government Hospital, but in the process critical hours and manpower are being wasted to arrange protocols and transportation which is major cause of concern. Four Central Jails in the State of Madhya Pradesh located at Bhopal, Indore, Jabalpur and Gwalior are having more than 2500 prisoners each and for treatment of prisoners in the jails, only nucleus medical dispensaries are available. Due to enormity in the number of the prisoners and consequently the sick amongst them, the jail authorities have to depend on the nearby Government Hospital. Medical dispensaries in all the Central Jails need to be upgraded at par with the Government Hospital or atleast to the level of CHC. Most of the prisons of the State are highly over-crowded. More number of prisons/jails/barracks needs to be constructed.

5. We have extensively taken note of the suggestions given by Mr. Sankalp Kochar, learned *Amicus Curiae* and also by Mr. Chander Uday Singh, learned Senior Counsel appearing for the petitioner in WP-8391-2020 and Mr. Ajay Gupta, learned counsel appearing for intervenor, but as of now we do not wish to issue any specific direction. Even though the State has filed response to the suggestions given by learned *Amicus Curiae* in their affidavit dated 25.08.2021, but sadly, most part of that is highly unsatisfactory and woefully inadequate. While therefore requiring the State to give specific-considered and detailed response to each of the suggestions enumerated above, this Court before proceeding further to issue any

specific direction, deem it appropriate to comprehend magnitude of the problem on the basis of actual position obtaining in different prisons of the State, especially in 11 Central Jails and all the District Jails at the district headquarters, by having them physically inspected. We therefore direct the Member Secretary, District Legal Services Authority accompanied by Chief Judicial Magistrate of each district to make surprise inspection of all the Central Jails and District Jails falling in their jurisdiction, on any day within next six weeks, and privately interview as many prisoners as they may consider necessary and submit their report to this Court about their first hand impression about the position of the prisons in the State on the following aspects before the next date fixed in the matter:

**A. SANITATION:-**

Whether barracks, toilets bathing facilities at the jail campus are regularly cleaned? Whether filth and garbage is regularly removed from the jail premises? Whether the prisoners or inmates are provided lockers or shelves for keeping their belongings? How many toilets are there in the jails? What is the condition of water taps in the toilets? Whether the toilets are having doors? Whether European flush toilet system is there in the jails? Whether the same are functional or chocked? If there are bathrooms, what are the number of bathrooms or whether the prisoners made to bath out in open?

**B. FOOD:-**

Are there sufficient appliances and utensils available in the kitchens? What is the quality of food? What is served to the prisoners during breakfast, lunch or dinner? Whether prisoners are served with sweets on any given day of the week? Are there any trained cooks? Whether prisoners are made to prepare their food? If so, are they trained for doing so? Whether they earn remission for rendering such services? What is the ratio of number of hearths vis-à-vis number of prisoners? In other words, food of how many prisoners is cooked at a time? If there are large number of prisoners, whether vegetables, pulses etc. are cooked for all of them at one go or on four or five different hearths?

**C. HEALTH CARE:-**

What is the condition of medical health and care of prisoners? What are the diseases commonly prevalent in jails, such as epilepsy, tuberculosis, skin disorders etc.? Are there sufficient number of medical officers? Are there sanctioned posts of psychologist, psychiatrists, pharmacists, sufficient nursing staff? Are there basic facilities of diagnosis and investigation, such as X-ray, sonography, ECG, Ultrasound Nebulizer, Stabilizer, dental care etc.? Is there proper building for dispensary and indoor patients? Is the facility of ambulance available in the jails and if so, are they functional? What is the kind of ailment commonly prevalent amongst the jail inmates?

Whether the jail inmates are regularly subjected to medical checkup and if so how often? Whether they are periodically subjected to medical checkup for vision of their eyes and dental care? Whether any Yoga classes takes place in the jail campuses to help the inmates to release their mental stress? How many prisoners died in jail while serving their sentence during last ten years? And what was the cause of their death? Are their postmortem reports available on record?

**D. RECREATIONAL ACTIVITIES:-**

Are there libraries in the jails and, if so, are they having sufficient books, novels, magazines and newspapers? Are there sufficient number of newspapers, magazines provided in each barrack? Whether movies or films are periodically shown to the inmates? Whether jail inmates are involved in recreational activities like drama, painting, singing, debates etc.? What are the facilities for sports and games to the inmates of the jails so as to keep them engaged?

**E. EDUCATIONAL ACTIVITIES:-**

What are the arrangements for holding adult educational classes? Whether educated prisoners are engaged in taking classes for illiterate or semiliterate prisoners? Whether Industrial Training Institutes are set up in jail premises and, if so, what are the trades in which diplomas are awarded? Is there

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any need for identification of new trades based on interest of prisoners? Whether the facility of distant education is provided and the prisoners are encouraged for the same? Whether study material or tutorials on education etc. is provided to prisoners?

**F. VOCATIONAL ACTIVITIES:-**

What are the vocational activities, in which the prisoners especially those convicted with rigorous imprisonment, are carried out? What are the rates at which the prisoners are paid on daily wages basis and how commensurate they are with the minimum wages prescribed by the State for skilled, semi-skilled or unskilled labour? Whether those convicted with simple imprisonment are provided opportunity to work? What are the consumer products made by the jail inmates? Whether there is any facility of shops attached with the jail for sale of such consumer goods to general public?

**G. INFRASTRUCTURE:-**

What are the number of barracks and capacity of each barrack. How many prisoners are actually lodged in such barracks so as to find out the extent of overcrowding, if any? Whether facility of CCTV cameras is available with different barracks of the jails? Whether the jail warders on duty at the entrance of the barracks are connected with the Superintendent through intercom? Whether the jail wardens and jail guards on duty are

provided with binoculars? Whether video conferencing facility between the central jail and courts is available? If so, whether it is functional and what is the frequency of its use? What is the arrangement for maintenance of the jail buildings? Is nucleus maintenance staff is available for regular repair works at the disposal of the jail itself? Whether sufficient staff is available in the Central Jails, such as wardens, jailers, sub-jailers etc. commensurate with number of prisoners? Whether jails are fitted with jammers so as to prevent use of cell phones from inside the jail premises?

**H. WELFARE:-**

What are the facilities available for the meeting between jail inmates and their family members and for how many times a prisoner is allowed to meet with or talk on telephone to his family members in a month? Whether the convicts are segregated from undertrial prisoners? Whether those convicted with heinous crimes are segregated from the prisoners convicted for offences having lesser gravity? What is the method of obtaining and processing the applications for releasing on parole and transfer to open jail, on permanent parole and remission of sentence? How often meetings of the Parole Advisory Committee is convened to consider such applications?

6. A copy of this order be forwarded to the Member Secretary, MP State Legal Services Authority and Director General of Prisons for compliance. All Superintendents of Central Jails and District Jails are directed to provide logistic support and full cooperation to the team of the Member Secretary, District Legal Services Authority and the Chief Judicial Magistrate for carrying out the aforesaid inspection.
7. A copy of this order be also provided to Mr. Sankalp Kochar, learned *Amicus Curiae*, Mr. Chander Uday Singh, learned Senior Advocate and Mr. Pushpendra Yadav, learned Additional Advocate General for their record.
8. List the matters on **07.12.2021** to see further progress and for consequential directions.

**(MOHAMMAD RAFIQ)  
CHIEF JUSTICE**

**(VIJAY KUMAR SHUKLA)  
JUDGE**