Yumkham Rother
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IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 58 of 2018

Ngangom Sarah Devi, aged about 31 years, D/o Ngangom Jugindro Singh, a resident of Matai Mamang Leikai, P.O. Mantripukhri & P.S. Heingang, Imphal East District, Manipur.

……. ***Petitioner (In Person)***

- Versus –

1. The Chief Secretary, Home Department Government of Manipur, Manipur Secretariat, South Block, Imphal, Manipur-795001.
2. The Principal Secretary, Home Department, Government of Manipur, Manipur Secretariat, South Block, Imphal, Manipur – 795001.
3. The Director General of Police, Manipur Police Headquarter, Government of Manipur, Imphal, Manipur-795001.
4. The Additional Director of Police (Prison), Central Jail, Imphal, Old Lambulane, Imphal, Manipur-795001.
5. The Union of India through the Secretary, Ministry of Home Affairs, Union of India, North-block, New Delhi-110001.

…. ***Respondents***

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the Petitioner	:	None Appears
For the Respondents	:	Mr. Lenin Hijam, Addl. Advocate General S. Vijayanand Sharma, Sr. Panel Counsel for Govt. of India.
Date of Order	**:**	**01.09.2020**

ORDER (ORAL)

Ramalingam Sudhakar, CJ

[1] The prayers in the PIL are as follows :-

> *"b) to issue a writ in the nature of Mandamus or any other appropriate writ(s) or order(s) directing the Respondents to implement district jails and sub-jails for good faith of prisoners and jails authorities.*
>
> *c) to issue a writ in the nature of Mandamus or any other appropriate writ order or direction to the Respondents to build sub-jail for emergent situation and to communicate prisoner's family or relatives in good time.*
>
> *d) to issue a writ in the nature of Mandamus or any other appropriate writ order or direction to the Respondents to reconstruct of District jail or sub-jails complex not completed or dilapidated infrastructure to minimize the time for further appealing before appearing before the respective Magistrate of all the districts.*
>
> *e) to issue a writ in the nature of Mandamus or any other appropriate writ order or direction to the Respondents to formulate scheme for development of all district jails and sub-jails to ensure requirement regarding maximum population for different type of jails."*

[2] Earlier there was one PIL, namely PIL No. 34 of 2015 on almost identical issue which was disposed of by order dated 05.08.2019 and that order to be taken as part of the present PIL. Order dated 05.08.2019 passed in PIL No. 24 of 2015 reads as follows :-

> *"[1] The prayers numbers No.2 to 7 are as follows:-*
>
> > *"(ii) in the interim to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby directing the respondents to visit the Central Jail and to thoroughly inspect the food, the kitchen , to interview all female inmates and record complaints, to review medical records, opportunities for vocational training, the library, the sleeping quarters and to submit a report with recommendations to this Hon'ble Court three weeks from today;*
> > *(ii) in the interim to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby directing the Respondents to provide all inmates, regardless of status with basic toiletries including shampoo, soap, toothbrush, toothpaste, hair oil, and sanitary pads at no costs;*

(iii) to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby directing the Respondents to open a creche for inmates and jail staff to ensure that inmates' children have an opportunity to learn and to interact with other children;

(iv) to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby directing the Respondents to repair the sewing machines and initiate vocational training for all inmates regardless of status;

(v) to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby directing the Respondents to conduct full medical examinations of each new inmate screening for HIV, RTIs and STIs and basic health problems and to prescribe adequate treatment where necessary;

(vi) to issue a writ in the nature of Mandamus or any other appropriate writ or direction thereby directing the Department of Health and Family Welfare to provide monthly information sessions on government schemes including JSY, JSSK, ICDS, RSBY and training sessions on hygiene, women's health, contraceptives and nutrition;

(vii) to issue any other appropriate writ, order or directions, which the Hon'ble Court deem fit and proper in the facts and circumstances of the case."

[2] The PIL has been filed for the above stated reliefs based on the direction of the Hon'ble Supreme Court in ***R.D.Upadhyay vs. State of Andhra Pradesh & ors.*** *(W.P(C) No.559 of 1994) dated 13.11.2014. In this case, notice was issued on 11.9.2015 and thereafter, it has been adjourned from time to time and the respondents No.1, Principal Secretary (Home), Govt. of Manipur and the respondent No.2, the Superintendent, Manipur Central Jail, Imphal have filed an affidavit dated 26.11.2015. In response to the affidavit of the respondents No.1 and 2, the petitioner filed a rejoinder affidavit dated 5.8.2016. Thereafter, the respondent No.2 has filed another affidavit dated 6.4.2017 and the respondent No.1 filed another additional affidavit on 4.11.2017. There is also a Jail Inspection Report dated 08.5.2017 and in that the Additional Director General of Police (Prisons), Manipur has given details of the Special Packages for inmates of the Jails.*

[3] On 28.8.2018, the following order was passed:-

"28.8.2018

R.S. C.J,

A report has been filed by the District & Sessions Judge, Imphal West on 19.12.2017 on the condition of the Jails, more particularly, women section with photographs.

In response to that the learned Advocate General states that there is much improvement after that. But it is not supported by any material.

The learned Advocate General states that a Commission may be appointed by the Court and inspection can be done.

As suggested, we are inclined to appoint (1) Mr. Th. Modhu, Advocate, along with (2) Ms. L. Sumila Devi, Advocate (Ph.No.70052447788) and (3) Mr.S.Thoithoi Meitei, Advocate (Ph.No.8259822273). The Commission will inspect the two Jails and verify whether the defects pointed in the report dated 19.12.2017 has been rectified. They will also identify other defects and suggest remedial measures that is required for better upkeep of the Jail premises.

Registry is directed to furnish a copy of the report dated 19.12.2017 to the three Advocate Commissioners so that they can inspect and give their detailed report. They will be paid initial remuneration at the rate of Rs.7,500/- to Mr.Th.Modhu, Advocate and Rs.5000/- each to the two other Advocates as initial remuneration.

Copy of this order be furnished to learned A.G, as well as to the Advocate Commissioners. Inspection report be filed by 1.10.2018.

List the matter after filing of the report."

[4] In response to the said order, the three Advocate Commissioners Mr. Th.Modhu Singh, Mr.S.Thoi Thoi Meitei and Ms. L.Sumila Devi have submitted a report on Inspection of Manipur Central Jail, Imphal and Manipur Central Jail, Sajiwa and the report is dated 02.5.2019 and is taken on file.

[5] The learned Advocate General pointed out that subsequently, another PIL No. 58 of 2018 has been registered where all aspects of maintenance of jails including the issues raised in the present PIL is being addressed and there was a joint inspection by the High Court along with the officers of the Police and Jail department. He pleaded that the report of the three Advocate Commissioners should be placed in PIL NO.58 of 2018 and they should be allowed to participate in that proceedings and assist the Court in formulating a proper Scheme for maintenance of Manipur Central Jail, Imphal and Manipur Central Jail, Sajiwa. The said plea was accepted.

[6] In this view of the matter, Registrar (Judl.) is directed to place the reports of the Advocate Commissioners dated 2.5.2019 in PIL No. 58 of 2018. This order will be also placed in PIL NO. 58 of 2018. The three Advocate Commissioners are directed to assist the Court in PIL No. 58 of 2018, which is listed for hearing tomorrow i.e. on 6.8.2019.

[7] Since the substantial issue is taken up in the later PIL NO.58 of 2018, we are inclined to close the present PIL No. 34 of 2015. This will avoid multiple orders and confusion. Accordingly, this PIL No.34 of 2015 stands closed.

[8] This final order passed in PIL No.34 of 2015 along with the reports of the Advocate Commissioners and all the affidavits and reply-affidavits of the respondents No. 1 and 2 mentioned earlier will be photo-copied and placed in PIL No.58 of 2018 which is listed for hearing on 06.8.2019."

[3] In the earlier case, (i.e.) PIL No. 34 of 2015, Advocate Commissioners were appointed and they filed detailed comprehensive report on 02.05.2019. It give all aspects of the facilities available and shortfalls in the Manipur Central Jail, Imphal and Manipur Central Jail, Sajiwa. We direct the Secretary (Home), Government of Manipur to implement the various suggestions given by the Commissioner's report dated 02.05.2019. In addition to that, State Government has filed affidavit dated 26.11.2015 and 04.11.2017 in PIL No. 34 of 2015. There is also jail inspection report dated 05.06.2019 which is on the basis of inspection done by the Hon'ble Judges of this High Court.

[4] Today, when the matter is taken up, Mr. Lenin Hijam, learned Additional Advocate General appearing for the State respondents states that there is a proposal for renovation of Churachandpur Jail.

[5] Taking note of the Commission report dated 02.05.2019 submitted by the 3 (three) Advocate Commissioners and also the jail inspection report dated 05.06.2019 of the Hon'ble Judges of this High Court, we direct the State Government to implement the renovation and proper maintenance of Manipur Central Jail, Imphal and Manipur Central Jail, Sajiwa in terms of the suggestion given by the Advocate Commissioners and also the Hon'ble Judges in the

inspection report and further establishment of district jails and sub-jails should be done expeditiously and the proposal submitted by the State Government should be taken up in a time bound manner. It is desirable that facilities for lock-up in different districts are properly established and maintained. Secretary (Home), Government of Manipur is directed to take appropriate steps in this regard in consultation with all the stakeholders.

With the direction as above, the PIL stands disposed of.

JUDGE **CHIEF JUSTICE**

FR/NFR

Sandeep