

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10253 of 2021

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Bandi Adhikar Aandolan through its Secretary Mr. Santosh Upadhyay, Male
Aged About 55 Years, R/o Village, Maudihan, P.O. Barwan Kala, P.S. Darihat,
Distt. Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The Principal Secretary, Government of Bihar, Main Secretariat, Patna-800001.
2. Secretary, Department of Home Affairs, Government of Bihar, Sardar Patel Bhavan, Patna-800015.
3. Inspector General, Prisons Inspectorate, Government of Bihar, Main Secretariat, Patna-800001.
4. Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Main Secretariat, Patna-800001.
5. Director, Bihar State Health Society, Sheikhpura, Patna-800002.
6. Member Secretary, Bihar State Legal Service Authority, Budh Marg, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh, Advocate
Mr. Akash Keshav, Advocate
Mr. Shashwat, Advocate
Ms. Akanksha Malviya, Advocate
Mr. Deepak Kumar Singh, Advocate

For the Respondent/s : Mr. Pawan Kumar, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-08-2021

Petitioner has prayed for the following relief(s):-



- I. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to implement the passed by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) 1 of 2020, In Re: Contagion of COVID-19 virus in prisons dated 07.05.2021 in true letter and spirit.
- II. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to reconstitute the High Powered Committee (H.P.C.) so as to make it fully functional as one of its member i.e, Chairman of Bihar State Legal Services Authority (B.S.L.S.A.) retired recently and a new appointment is required immediately, so as to execute the order passed by Hon'ble Supreme Court in the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) 1 of 2020, In



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Re: Contagion of COVID-19 virus in prisons
dated 07.05.2021.

- III. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the High Powered Committee to upload the minutes of the meeting and steps taken based upon their observation, on the official website so as to get actual and transparent data in public domain about the strength and occupancy of inmates – prison wise across the state and decongest the prison by releasing prisoners in compliance with the abovementioned order of the Hon'ble Supreme Court dated 07.05.2021, where overcrowding persist.
- IV. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the High Powered Committee to identify and release prisoners as per the Standard Operating Procedure (SOP) issued by



the National Legal Services Authority in 2018 and reiterated by the Hon'ble Supreme Court in its order dated 07.05.2021 in the case *Suo Motu Writ Petition (Civil) 1 of 2020, In Re: Contagion of COVID-19 virus in prisons.*

- V. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to ensure that proper medical facilities are being provided to the prisoners and there are adequate number of medical staffs and health care providers as per the Standard Operating Procedure (SOP) issued by National Legal Services Authority (NALSA) and various guidelines issued by the Central as well as the State Government on timely basis.
- VI. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to immediately launch a vaccination drive for all the prisoners including prison staffs in the state of Bihar without insisting on Aadhaar Card and also includes those who do not have any identity proof.
- VII. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to immediately make adequate arrangements to conduct COVID-19 virus test in all the Prisons as well as the Juvenile Detention Centres for all the inmates including Prison staffs in the state of Bihar so as to take appropriate measures to contain the virus from spreading and prevent the prisons to become the hotspot.
- VIII. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to make appropriate arrangements by constituting a team of female doctors and health care providers to initiate COVID-19 virus testing



and vaccination drive in all the Women Wards across the state so as to get the female prisoners tested and vaccinated.

IX. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to make appropriate arrangements to ensure the meetings of the prisoners languishing in the prisons of the state and juveniles detained in the juvenile detention centres through digital mediums like E-Mulakat.

X. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to adhere with the order dated 07.05.2021 of the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) 1 of 2020, In Re: Contagion of COVID-19 virus in prisons in which it ordered to strictly control and limit the authorities from arresting accused in contravention of the

guidelines laid down by the Hon'ble Supreme Court in the case of Arnesh Kumar Vs The state of Bihar, (2014) 8 SCC during the pandemic.

XI. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to release prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum, as directed by the Hon'ble Supreme Court in the Suo Motu Writ Petition (Civil) 1 of 2020, In Re: Contagion of COVID-19 virus in prisons.

XII. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to strictly adhere the directions passed by the Hon'ble



Supreme Court in Re: Inhuman Conditions in 1382 Prisons, (2016) 14 SCC 815, wherein eight categories of under trial prisoners (UTPs) had been directed to be released in order to reduce overcrowding in prisons.

XIII. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents immediately call upon the meeting of the Under-trial Review Committee (UTRC) in every district of the state of Bihar (through online mode) and consider the eligible applications of the release of under trial prisoners languishing in jails for a considerable period of time.

XIV. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to immediately sanitize the premises and wards and maintain hygiene and provide adequate protective gears to Prison Staffs and inmates in the all the Prisons as well as the Juvenile Detention Centres in the state of Bihar to ensure prevention of the spread of virus.

XV. To issue a writ of mandamus or any other appropriate writ(s)/order(s) or direction(s) commanding the Respondents to immediately start Legal Aid Services in the Prisons and the Juvenile Detention Centres in the state of Bihar through Tele Law Scheme, 2017 provided by National Legal Services Authority and Department of Law and Justice, Government of India so as to ensure legal aid should be available to the inmates without any hindrance or delay.



Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to invite attention of the authority concerned of the grievances, subject matter of the present petition.

Permission granted.

The present petition stands disposed of with the liberty aforesaid.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

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