

GAHC030001352022



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL**  
**PRADESH)**

**Case No. : PIL/3/2022**

ZWO (Zofa Welfare Organization) R/b Rev. Robawia, President, ZWO  
Aizawl, Mizoram

VERSUS

State of Mizoram and 4 Ors.  
Aizawl, Mizoram     2:The Secretary/ Under Secretary  
Home Department  
Aizawl  
Aizawl  
Mizoram

3:The Chairman/ Secretary  
Planning Programme and Implementation Department  
Aizawl  
Mizora

**Advocate for the Petitioner** : Ms. Rosalynn L Hmar  
**Advocate for the Respondent** : Addl. AG/GA, Mizoram

Linked Case : I.A.(Civil)/96/2022

ZWO (Zofa Welfare Organization) r/b Robawia  
President  
ZWO  
Mizoram Societies Registration Act  
2006 bearing Redg. No. MSR-477 of 12.11.2007 of 2012

VERSUS

State of Mizoram and 3 Ors.  
r/b The Chief Secretary

Aizawl  
Mizoram.

2:The Secy./ Under Secretary

Home Department  
Aizawl  
Mizoram.

3: The Chairman/ Secretary  
Planning Programme and Implementation Department  
Aizawl  
Mizoram.

4: The Inspector General of Prison  
Government of Mizoram

Aizawl  
Mizoram.

Advocate for the Petitioner : Ms. Rosalynn L Hmar  
Advocate for the Respondent :

**BEFORE  
HONOURABLE MR. JUSTICE NELSON SAILO  
HONOURABLE MRS. JUSTICE MARLI VANKUNG  
ORDER**

Date : 30.01.2023

On 31.10.2022, the following order was passed.

*"This PIL has been filed by the petitioner seeking for a direction to the respondents to repair/renovate the infrastructure of jail in each districts in the State of Mizoram and to induct modern technology, methods and apparatus. It is the further prayer of the petitioner for a direction to the State Government for effective implementation of State Advisory Board and Prison Development Board and to implement the Mizoram Prison Manual, 2017 without further delay.*

*The State respondents have filed their counter affidavit on 20.09.2022 wherein at paragraph No. 6, it has been stated that the State Government has sent a detail project report for upgradation and renovation of Central Jail, Aizawl and construction of District Jail at Siaha, Champhai and Lunglei to the Ministry of Home Affairs for funding the project for vide their letter dated 17.11.2021. The*

*said letter has been annexed as 'Annexure-III' to the counter affidavit. However, there is no statement in the affidavit throwing light to the fate of the said Communication dated 17.11.2021. The petitioner in his reply affidavit filed on 21.10.2022 has stated at paragraph No. 7 that information regarding the submission of DPR to the Central Government on 17.11.2021 and the other details have been sought from the Planning and Program Implementation Department by filing an application under RTI on 21.10.2022 and that a reply to the application is being awaited.*

*In view of the statement made by the State respondents in their affidavit-in-opposition as referred to herein above, the Secretary to the Govt. of Mizoram, Home Department shall file an additional affidavit informing the Court as to what steps has been taken by the Union of India, Ministry of Home Affairs and also the Home Department, Govt. of Mizoram pursuant to the DPR which was submitted vide letter dated 17.11.2021. Such affidavit should be filed within a period of 2 (two) weeks from today. A copy of this order be furnished to Mrs. Linda L. Fambawl, learned Govt. Advocate during the course of the day.*

*List this matter again after 2 (two) weeks."*

Pursuant to the passing of the above order, the matter was listed again on 02.12.2022 and by which time, the affidavit was not yet filed by the Secretary to the Government of Mizoram, Home Department.

The learned counsel for the petitioner, Ms. Rosalynn L. Hmar had also sought for some time to file an additional affidavit incorporate the information received against her application made through RTI. Such affidavit has also not been filed till date.

Today, when the matter is listed, Mrs. Linda L. Fambawl, learned Government Advocate as well as Ms. Rosalynn L. Hmar, learned counsel for the petitioner pray for

two weeks' time to file their additional affidavits.

Considering the prayer, two weeks' time is granted.

List the matter again **after 2 (two) weeks.**

**JUDGE**

**JUDGE**

**Comparing Assistant**