

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 MR. JUSTICE AJIT BORTHAKUR
ORDER**

Date : 15.02.2023

Mr. Lalramdinthara, learned counsel appears for the petitioner, while Mrs. Linda L. Fambawl, learned Government Advocate appears for all the respondents.

Noticing that the State Government has sent a detailed project report for up-gradation and renovation of Central Jail, Aizawl and for construction of District Jail at Siaha, Champhai and Lunglei to the Ministry of Home Affairs for funding the project vide letter dated 17.11.2021, this Court had directed the Secretary to the Government of Mizoram, Home Department to file an affidavit indicating the steps taken in this direction vide Order dated 30.01.2023. The affidavit was not filed when the matter was listed on

30.01.2023 and therefore, further two weeks' time was granted for filing the affidavit.

Today, when the matter is listed again, Mrs. Linda L. Fambawl, learned Government Advocate submits that a reminder was sent to the Ministry of Home in the month of December, 2022 and since they have not received any response from the Ministry, the affidavit has not been filed. None receipt of a response from the Ministry by itself cannot be a ground for not filing an affidavit as directed by this Court. The State Home Department is said to have written to the Ministry and further it is also noticed that prisons is a State subject as per Entry 4 of List II of the 7th Schedule of the Constitution of India. Therefore, the State cannot remain oblivious on the issue by taking the plea that fund has not been sanctioned by the Central Government.

In view of above, the Secretary to the Government of Mizoram, Home Department shall within three weeks from today file an additional affidavit indicating the steps taken by the State Government besides expecting financial assistance from the Ministry of Home to develop the infrastructure of prisons in the State of Mizoram. If such affidavit is not filed, Court shall consider passing an appropriate order.

List the matter again on **15.03.2023**.

JUDGE

JUDGE

Comparing Assistant