

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 : Mrs. Linda L. Fambawl, GA, Mizoram

ORDER

BEFORE

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

Date : 04.05.2023
(Nelson Sailo, J)

Parties are represented by their respective counsels.

In terms of the earlier Order dated 15.02.2023 and 15.03.2023, the respondent No. 2 has filed an additional affidavit through the Under Secretary to the Government of Mizoram, Home Department, stating that in response to the detailed project report for up-gradation and renovation of Central Jails in Mizoram submitted before the Under Secretary to the Government of India, Ministry of Home Affairs, the latter vide Office Memorandum dated 13.01.2023 has informed that the Ministry of Home Affairs has no specific scheme under which fund can be released to the Government of Mizoram for the said purpose. Therefore, the latter has informed the State Government that the detailed project report has been forwarded to the Joint Secretary (Infrastructure) Ministry of DoNER.

In view of the Office Memorandum, the Under Secretary to the Government of Mizoram, Home Department vide Communication dated 28.02.2023 has written to the Joint Secretary (Infrastructure), Ministry of DoNER, Vigyan Bhawan Annexe, Maulana Azad Road, New Delhi on 28.02.2023, asking about the action taken and the present status of the matter. However, a reply is yet to be received from the Joint Secretary concerned. The additional affidavit also states that the Under Secretary to the Government of Mizoram, Home Department has written to the Principal Adviser, Planning Department (RDB),

Mizoram, Aizawl requesting for allocation of fund under the SEDP for construction of security wall at Central Jail, Aizawl and also in the District Jails at Lunglei, Champhai, Kolasib and Mamit by enclosing a detailed estimate received from the Inspector General of Prisons amounting to Rs. 88,295,000/-. However, a response to the said communication is still being awaited.

Mrs. Linda L. Fambawl, learned Government Advocate appearing for the State respondents submits that the Secretary, Ministry of DoNER is currently visiting the State of Mizoram and in fact yesterday, he had a detailed discussion with the Chief Minister and the State Government officials. One of the topic of the discussion was regarding allotment of fund for development of the Jail infrastructure in the State of Mizoram. She however submits that she does not have the details of the discussion.

In our earlier orders, we had indicated that prisons is a State subject as per Entry 4 of List II of the 7th Schedule of the Constitution of India and therefore, it is for the State to see that the infrastructure of the Jail is developed by allocating sufficient fund for the purpose. This has also been stated by the Deputy Secretary (TR & ATC), Ministry of Home Affairs, Government of India in Office Memorandum dated 13.01.2023. Therefore, upon perusing the additional affidavit, we are of the considered view that this Court should be informed about the steps taken by the State Government in allotting fund for the up-gradation and development of the prison infrastructure within the State of Mizoram and also the status of procuring grants or aid from the Ministry of DoNER. Such up-to-date information and status be filed by way of an affidavit by the respondent No. 2 and also by the respondent No. 3 as well, within a period of 4 (four) weeks from today.

Let the matter be listed again after a month on a date to be fixed by the Registry.

JUDGE

JUDGE

Comparing Assistant