

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

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 :

B E F O R E

**HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HON'BLE MRS. JUSTICE MARLI VANKUNG**

23.01.2024

(Michael Zothankhuma, J)

Heard Mr. Lalramdinthara, learned counsel for the petitioner as well as Mrs. Linda L. Fambawl, learned Addl. Advocate General for the State respondents.

2. This Court, vide Order No. 29.08.2023, had directed the respondents to make a

clarification with regard to paragraph 2(c) of the affidavit filed by the respondent No. 3 on 18.08.2023, i.e. the proposal for allocation of fund under SEDP for construction of a security wall at Central Jail, Aizawl and the Districts Jails at Lunglei, Champhai, Kolasib and Mamit with a total estimated cost of Rs.882.95 lakh, which had been kept as State's Shelf of Projects for possible funding subject to availability of fund.

3. Para 2(b) of the said affidavit also states that (i) Upgradation and Renovation of Central Jail, Aizawl costing Rs. 100 crore, (ii) Construction of District Jail, Siaha costing Rs. 50 crore (iii) Construction of District Jail, Champhai costing Rs. 59.128 crore (iv) Construction of District Jail, Lunglei costing Rs. 52.40 crore have been submitted to the Ministry of DoNER vide letter dated 17.11.2021 and response from the Ministry is awaited.

4. With respect to para 2(c), the learned Government Advocate was to produce the proposal made for allocation of fund and also clarify whether the said projects could be put under the priority list of projects under the State Government. Similarly, with respect to para 2(b), the Government Advocate was to obtain instructions and documents, showing that the four project proposals sent to the Ministry of DoNER had been pursued by the State Government. The communications made between the State Government and the Ministry of DoNER were to be produced in the Court.

5. This Court in its Order dated 20.11.2023 had also directed the learned

Government Advocate to obtain instructions regarding how the four project proposals sent to the Ministry of DoNER had been pursued by the State Government.

6. Mrs. Linda L. Fambawl submits that she has received comments with the forwarding letter dated 16.11.2023 issued by the Under Secretary to the Government of Mizoram, Planning & Programme Implementation Department, wherein it is stated that the projects could not be accommodated for consideration under NESIDS Scheme as these are outside of mandated sectors of NESIDS Scheme. In respect of the forwarding of four projects vide letter dated 17.11.2021 to the Secretary, Ministry of Home Affairs, no communication had been received from the Government of India.

7. We are of the view that the instructions received by the learned Addl. Advocate General shall be put down in writing in the form of an affidavit and submitted to this Court within a period of two weeks.

8. The Jail population in the State of Mizoram as on December, 2023 appears to be as follows:-

MIZORAM PRISONERS DAILY POPULATION REPORT AS ON 22.12.2023

JAIL	TOTAL	G.TOTAL	CAPACITY	CAPACITY EXCEEDED BY

	M	F		M	F	TOTAL	
CJ(A)	930		930	438		438	492
CWJ	12	226	238		96	96	142
DJ(A)	160		160	90		90	70
DJ(LLI)	129	21	150	99	10	109	41
DJ(SHA)	60	0	60	82	10	92	NIL
DJ(CPI)	122	15	137	85	20	105	32
DJ(KLB)	86	9	95	120	14	134	NIL
DJ(LTI)	21	0	21	68	30	98	NIL
DJ(SRCP)	78	10	88	88	40	128	NIL
DJ(MMT)	44	7	51	60	36	96	NIL
TOTAL	1642	288	1930	1130	256	1386	777

9. A perusal of the above clearly shows that the Jails have been accommodating more than the capacity it was built for. Accordingly, the State Government would have to take a serious view of the matter, as we cannot treat persons as cattle, without making provisions for the betterment of the jail infrastructure. The affidavit to be filed

by the State respondents shall accordingly state as to how the State respondents are planning to tackle the issue of overcrowding of Jails in the State.

List the matter after two weeks.

JUDGE

JUDGE

Comparing Assistant