

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	27.07.2022		<p>WPIL No. 136 of 2020 <u>Hon'ble Vipin Sanghi, C.J.</u> <u>Hon'ble R.C. Khulbe, J.</u></p> <p>Mr. D.S. Mehta, learned counsel for the petitioners in WPIL No.136 of 2020.</p> <p>Mr. J.S. Virk, learned <i>Amicus Curiae</i> for the petitioner in WPIL No.91 of 2019.</p> <p>Mr. Vikas Pande, learned Standing Counsel for the State-respondents.</p> <p><u>Delay in Recall Application (IA No.11682 of 2022)</u></p> <p>The learned counsel for the petitioners does not fairly oppose the delay in filing the recall application.</p> <p>For the reasons stated in the affidavit filed in support of the delay condonation application, the delay condonation application is allowed, and the delay of 194 days' in preferring the recall application is, hereby, condoned.</p> <p><u>Recall Application (IA No.11681 of 2022)</u></p> <p>By this application, the State seeks to recall the directions issued by this Court in the present writ petition on 08.12.2021, and in particular, in Paragraph No.31 (ix), whereby this Court constituted a Committee comprising of Mr. V.K. Singh, former IG (Prison), Telangana, as the Chairman; Prof. Vijay Raghavan, TISS Mumbai; and, Prof. Murali Karnam, NALSAR, Hyderabad. The Committee was required to inspect all the thirteen jails of the State of Uttarakhand, and make recommendations, firstly, with regard to the enhancement of the infrastructure of the Jails, and with regard to improving the amenities available in the Jails for the benefit of jail inmates. The</p>

Committee was also required to recommend the necessary laws, which need to be enacted or promulgated for the benefit of the jail inmates. The recommendations were required to be submitted within a period of three months. The State was granted six months' time to comply with the recommendations.

The premise on which the present application is being moved is that, in compliance of the order passed by the Supreme Court in Writ Petition (Civil) No.406 of 2013, "*Re-inhuman Conditions in 1382 Prisons*", the Government of India issued an order on 04.10.2018, constituting a "Committee on Prison Reforms", led by a former Judge of the Supreme Court.

The submission of the learned Standing Counsel appearing for the State is that the terms of reference of the said Committee cover the field in respect whereof this Court constituted the Committee while passing the order dated 08.12.2021.

In response to our query, we are informed that the Committee constituted by this court, in fact, visited some of the jails in the State, and gave (Preliminary Recommendations on Urgent Prison Reforms in Uttarakhand). The Committee also raised its bills for transportation etc. Out of the bills raised, a sum of Rs.30,548/- still remains outstanding. There can be no justification for non-payment of the said bills.

Therefore, we direct the State to, positively, clear the bills, so raised by the Committee, peremptorily in next two weeks. No further extension shall be granted.

The Committee constituted under the orders of

the Supreme Court is looking at the larger picture with regard to the conditions of jail all over the country. However, the Committee constituted by this Court was concerned with inspection of thirteen jails in the State of Uttarakhand, and in the light of the conditions prevailing therein, the Committee was required to submit its recommendations.

In our view, the State cannot evade the Preliminary Recommendations on Urgent Prison Reforms in the State of Uttarakhand, by seeking recall of Paragraph No.31(ix) of the order dated 08.12.2021, passed by this Court.

We, therefore, dismiss this application. We direct the State to file a report with regard to the implementations of Preliminary Recommendations on Urgent Prison Reforms in the State of Uttarakhand within next three weeks. The respondent-State should also disclose compliance with regard to other directions issued in the order dated 08.12.2021, in the affidavit that they shall file in three weeks.

A copy of the Preliminary Recommendations on Urgent Prison Reforms in the State of Uttarakhand has been tendered by the learned Standing Counsel for the State in the Court, and the same is taken on record.

List this case on 23.08.2022 along with connected matters.

(R.C. Khulbe, J.)
27.07.2022

(Vipin Sanghi, C.J.)
27.07.2022

NISHANT