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W.P(C)No. 559 OF 1994

ITEM No.3

Court No. 3

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

(NMD Case)
Writ Petition(Civil) No.559/1994

R.D.UPADHYAY

Petitioner (s)

VERSUS

STATE OF A.P & ORS

Respondent (s)

(With Appln(s). for directions)
(For Final Disposal)
(With Office Report)
With

SLP(C)No.14303-14305/1998,C.A.No.2468/1998,I.A.1IN&SLP(C)..CC 5347/98,
Crl.A.No.69/2000,W.P(C)No.84/1998

Date : 23/01/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE R.P. SETHI
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s) M/s. G.G.Upadhyay,S.A.Ahmad,S.T.Ahmad,
A.K.Srivastava,A.Rabi,Vineet Sinha,Advs.

Mr. Ranjit Kumar,Sr.Adv. (A.C.)
Mr. Kapil Sibal,Sr.Adv. (A.C.)(N.P.)
Ms. Binu Tamta,Adv. (A.C.) (N.P.)

For Respondent (s) Mr. Altaf Ahmad,ASG
Mr. S.W.A.Qadri & Mrs. Sushma Suri,Advs
for Mr. D.S. Mahra,Adv.
Mr. B. Krishna Prasad,Adv.
Mr. R.Pd.Saxena,Adv.
Ms. Rani Jethmalani,Adv.
Mr. Ashok Mathur,Adv.
Ms. Hemantika Wahi,Adv.
M/s Gopal Singh,Rahun Singh & A.Kumar,Advs
Mr. V.G. Pragasam,Adv.
Mr. Radha Shyam Jena,Adv.
Ms.Sunita R..Singh,Adv.for
Mr. B.B. Singh,Adv.
Mr. S.V. Deshpande,Adv.
Mr. Ranjan Mukherjee,Adv.
Mr.Khwairakpam Nobin Singh&Girish Kumar,Advs
Mr. K.B. Rohtagi,Adv.
Mr. Anil Shrivastav,Adv.
Mr. B.S. Banthia,Adv.
M/s Jain Hansaria & Co.,Adv.
Ms. Kamini Jaiswal,Adv.
Mr. Tapas Ray,Sr.Adv.
M/s H.K. Puri,S.K.Puri,Ujjwal Banerjee &
Ms. Anindita Gupta,Advs.

Ms. A.Subhashini,Adv.
Mr. G. Prakash,Adv.
Mr. K.K. Rai,Adv.
Mr. Ashok K. Srivastava,Adv.
Mr. N. Ganpathy,Adv.
Mr. S.K.Shandilya, & Mrs V.D. Khanna,Advs.
Mr. Aslam Goni,A.G.
Mr. Anis Suhrawardy & Mrs.Shamama Anis,Advs
Mr. A.S. Pundir,Adv.
Mr. P. Parmeswaran,Adv.
Mr. Guntur Prabhakar,Adv.
Mr.Rakesh Garg & Mrs.Revathy Raghavan,Advs.
Mr. Naresh K. Sharma,Adv.
Mrs. Jayshree Anand,Addl.Adv.General
Mr. G.Sivabalamurugan and
Mr. Rajeev Sharma,Advs
Mr. Rajiv Mehta.,Adv.
Mr. Sushil Kumar Jain,Adv.
Mr. J.P.Dhanda,Ms.Raj Rani Dhanda and
Mr. K.P. Singh,Adv.
Ms. Rachana Srivastava,Adv.
Mr. Prakash Shrivastava,Adv.
Mr. Ranji Thomas,Advs.for
Mr. Javed Mahmud Rao,Adv.
Mr. Anil Srivastava,Adv.
M/s.Krishna Sarma,Ms.Asha G.Nair,V.K.
Sidharth,Advs.
Ms.Kamini S. Mehlwal,Adv.
Mr. Ashok K. Srivastava,Adv.
Mr.A.Mariarputham & Ms.Aruna Mathur,Advs.

UPON hearing counsel the Court made the following
O R D E R

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In this batch of cases, three matters are required to be dealt with by this Court. (1) Creation of sufficient number of subordinate courts as well as providing adequate infrastructure and filling up of the existing vacancies, (2) necessary direction with regard to the women under trial prisoner/women convicts for their children how to be dealt with inside the jail, and (3) arrangement required to be made for mentally unsound people, who are either under trial prisoner or have been convicted. From the order sheet and the documents appended, it appears that most of the informations required by the Court are now available on record, but these three matters have to be approached and adjudicated upon separately. We therefore direct that the

question of dealing with the children of women under trial prisoner and women convicts be taken up as the first matter. The question of arrangement to be made for mentally unsound people/convicts or under trial prisoner to be taken up as second matter. Lastly, the question of creation of sufficient number of subordinate courts and providing appropriate infrastructure as well as filling up of the existing vacancies to be taken up the last item. The first matter may be listed on 13th March, 2002, and after concluding hearing in the first matter, the direction may be given in the second matter to enable us to dispose of the matter, as already stated.

In the meantime, the High Courts of Punjab and Haryana, Rajasthan, Maharashtra, Tamil Nadu, Bihar, Sikkim and Delhi to give their response pursuant to the Court's order dated 20th March, 2001 and 2nd May, 2001. This may be done within two weeks from today.

The Home Secretary, Government of J & K is present in Court. Further personal appearance is dispensed with.

No further orders need be passed for disbursement of the balance amount lying with the Court for the present.

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(Y.P.Dhamija)

(V.P.Tyagi)@@

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Court Master

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