

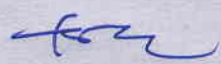
WP1-23923/2013

ജയിലാസ്ഥാനകാര്യാലയം,
തിരുവനന്തപുരം,
തീയതി: 22/02/2016.

സർക്കുലർ നം.12/2016

ബഹു: സുപ്രീം കോടതിയുടെ, 406/2013 നമ്പർ റിട്ട് ഹർജി (സിവിൽ) 05/02/2016 തീയതിയിലെ വിധിയനുസരിച്ച് ഡിസ്ട്രിക്റ്റ് ലെവൽ കമ്മറ്റികൾ ഓരോ നാലു മാസം കൂടുമ്പോഴും ചേരേണ്ടതാണെന്നും, ഈ വർഷത്തെ ആദ്യ കാർട്ടറിലെ മീറ്റിംഗ് 31/03/2016 നു മുൻപായി കൂടുന്നതിനും നിർദ്ദേശിച്ചിരിക്കുന്നു. കൂടാതെ ക്രിമിനൽ നടപടിക്രമം 436, 436 (A) വകുപ്പുകളിലെ വ്യവസ്ഥകൾ നടപ്പിൽ വരുത്തുന്നതിന് പ്രത്യേകമായി ശ്രദ്ധിക്കേണ്ടതാണെന്നും; ജില്ലാ ലീഗൽ സർവ്വീസസ് കമ്മറ്റി സെക്രട്ടറി, 1958 പ്രൊബേഷൻ ഓഫ് ഓഫീസർ ഓഫ് ഓഫീസർ ഓഫ് ഓഫീസർ ആക്ടിലെ വ്യവസ്ഥകൾ നടപ്പിലാക്കുന്നതിനും, കോമ്പൗണ്ടബിൾ ഓഫീസർ അനുസരിച്ച് വിചാരണ നേരിടുന്ന തടവുകാരുടെ ജയിൽ മോചനത്തിനും പ്രത്യേകം ശ്രദ്ധ പതിപ്പിക്കുന്നതിനായി ഉത്തരവായിരിക്കുന്നു.

ബഹു: സുപ്രീം കോടതിയുടെ വിധിപകർപ്പിന്റെ പ്രസക്തഭാഗങ്ങൾ അറിവിലേയ്ക്കും അനന്തര നടപടികൾക്കുമായി ഇതോടൊപ്പം ഉള്ളടക്കം ചെയ്യുന്നു.


ഡയറക്ടർ ജനറൽ ഓഫ് പ്രിസൺസ് &
കറക്ഷണൽ സർവ്വീസസ്

എല്ലാ ജയിൽസ്ഥാപന മേധാവികൾക്കും
എല്ലാ ഡി.ഐ.ജി. മാർക്കും

TN

- Inspector General of Prisons
Union Territory of Andaman & Nicobar,
Andaman & Nicobar Administration,
Secretariat, Port Blair
30. Inspector General of Prisons
Union Territory of Chandigarh,
U.T. Police Headquarters,
Sector 9, Chandigarh 160001.
31. Collector and Inspector General of Prisons
Union Territory of Dadra & Nagar Haveli,
Collectorate
Silvassa 396230
32. Inspector General of Prisons
Union Territory of Daman & Diu,
And Collector, Daman
New Collectorate Campus-Dholar
Moti Daman 396220.
33. Director General of Prisons
Government of NCT of Delhi,
Tihar Central Jail
Prison Headquarters
New Delhi
34. Inspector General of Prisons
Union Territory of Lakshadweep,
Kavaratti 682555.
35. Inspector General of Prisons & DIG
Union Territory of Puducherry
Central Prison, Mathur Road
Kalapet, Puducherry 605014
36. Director General of Prisons & Correctional Services
State of Telangana
Chanchalguda, Hyderabad 500024

IN THE MATTER OF:

WRIT PETITION (CIVIL) NO. 406 OF 2013
(Under Article 32 of the Constitution of India)

IN RE: Inhuman Conditions prevailing in 1,382 prisons in India as reflected in the Graphic Story published in Dainik Bhaskar (National Edition) dated 24.03.213.

Sir,

I am directed to forward herewith for your information, compliance and necessary action a certified copy of the Signed Order of this Court dated 05.02.2016 passed in the matter above-mentioned.

Please acknowledge receipt.

Yours faithfully,



Assistant Registrar

Encl. As above

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Just to prepare a letter
of urgent direction for
all superintendents -

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1. The Under Trial Review Committee in every district should meet every quarter and the first such meeting should take place on or before 31st March, 2016. The Secretary of the District Legal Services Committee should attend each meeting of the Under Trial Review Committee and follow up the discussions with appropriate steps for the release of undertrial prisoners and convicts who have undergone their sentence or are entitled to release because of remission granted to them.

2. The Under Trial Review Committee should specifically look

②

into aspects pertaining to effective implementation of Section 436 of the Cr.P.C. and Section 436A of the Cr.P.C.

③

so that undertrial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty

are not subjected to incarceration only for that reason. The

Under Trial Review Committee will also look into issue of

④

implementation of the Probation of Offenders Act, 1958

particularly with regard to first time offenders so that they

have a chance of being restored and rehabilitated in society.

3. The Member Secretary of the State Legal Services Authority

of every State will ensure, in coordination with the

Secretary of the District Legal Services Committee in every

empanelled to assist undertrial prisoners and convicts, particularly the poor and indigent, and that legal aid for the poor does not become poor legal aid.

4. The Secretary of the District Legal Services Committee will also look into the issue of the release of undertrial prisoners in compoundable offences, the effort being to effectively explore the possibility of compounding offences rather than requiring a trial to take place.

5. The Director General of Police/Inspector General of Police in-charge of prisons should ensure that there is proper and effective utilization of available funds so that the living conditions of the prisoners is commensurate with human dignity. This also includes the issue of their health, hygiene, food, clothing, rehabilitation etc.

6. The Ministry of Home Affairs will ensure that the Management Information System is in place at the earliest in all the Central and District Jails as well as jails for women so that there is better and effective management of the prison and prisoners.

7. The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual 2016 for which considerable efforts have been made not only by

persons from civil society. The Model Prison Manual 2016 should not be reduced to yet another document that might be reviewed only decades later, if at all. The annual review will also take into consideration the need, if any, of making changes therein.

8. The Under Trial Review Committee will also look into the issues raised in the Model Prison Manual 2016 including regular jail visits as suggested in the said Manual.

We direct accordingly.

57. A word about the Model Prison Manual is necessary. It is a detailed document consisting of as many as 32 chapters that deal with a variety of issues including custodial management, medical care, education of prisoners, vocational training and skill development programmes, legal aid, welfare of prisoners, after care and rehabilitation, Board of Visitors, prison computerization and so on and so forth. It is a composite document that needs to be implemented with due seriousness and dispatch.

58. Taking a cue from the efforts of the Ministry of Home Affairs in preparing the Model Prison Manual, it appears advisable and necessary to ensure that a similar manual is prepared in respect of juveniles who are in custody either in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

59. Accordingly, we issue notice to the Secretary, Ministry of Women and Child Development, Government of India, returnable on 14th March, 2016. The purpose of issuance of notice to the said Ministry is to require a manual to be prepared by the said Ministry that will take into consideration the living conditions and other issues pertaining to juveniles who are in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

60. The remaining issues raised before us particularly those relating to unnatural deaths in jails, inadequacy of staff and training of staff will be considered on the next date of hearing.

.....J
(Madan B. Lokur)

New Delhi
February 5, 2016

.....W
(R.K. Agrawal)