
(2016) 04 JH CK 0220
In the Jharkhand High Court
Case No : W.P(PIL) No. 2774 of 2013

Court on its Own Motion

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 13-04-2016

Acts Referred:

Citation : (2016) 4 JCR 391

Hon'ble Judges : Mr. Virender Singh, CJ. And Mr. Shree Chandrashekhar, J.

Bench : Division Bench

Advocate : Mr. Manoj Tandon, Amicus Curiae, for the Petitioner in W.P(PIL) Nos. 2774 of 2013 & 638 of 2015; Ms. Vipul Divya, Advocate, for the petitioner in W.P(PIL) No. 3114 of 2012; Mr. Jai Prakash, AAG, Mr. Binod Singh, SC (L&C), Mr. Vikash Kumar, JC to AAG, Mr.

Final Decision : Disposed Off

Judgement

Virender Singh, C.J.—Mr. Rajesh Shankar, appearing for the Jharkhand Public Service Commission (JPSC) states that as per the requisition made by the State, JPSC has already completed the exercise of selecting 9 Jail Superintendents through 5th Combined Civil Service Examination and their names have since been recommended to the State.

2. Mr. Jai Prakash, the learned AAG states that all the appointments arising out of 5th Combined Civil Service Examination have been stayed by this Court in another Public Interest Litigation pending in this Court therefore, further process in this regard stands stalled for the time being. He states that however, 5 candidates have already been promoted as Jail Superintendents from Jailors and posted to different jails.

3. With regard to appointment of Medical Officers, Assistant Jailors, Para Medical Staff and Computer Operators/Video Operators, Mr. Jai Prakash stated that the rules after having been revised by Jharkhand Staff Selection Commission perhaps have been notified but before making a categoric statement in this

regard, he requests for a short adjournment to have the latest information. So far as the appointment of Warders is concerned, Mr. S. Anwar, the learned Senior Advocate appearing for the Jharkhand Staff Selection Commission states that Preliminary Test (PT) was conducted by the Commission in the last week of February, 2016 and that the result is likely to be published within 3/4 weeks" time. He states that thereafter, the Selection Commission without any waste of time will hold the Mains Examination, may be in the month of June or July so that the names of Warders selected by the Selection Commission are recommended to the State for their appointment.

4. With regard to improvement in the different jails of the State, what appears from the various orders passed by this Court on the previous occasions is that substantial improvement is done at the end of the State in reforming all the jails in the State of Jharkhand but lot more has to be done.

5. Mr. Manoj Tandon, the learned Amicus Curiae stated that way back in the year, 2003 Model Prison Manual for the Superintendence and Management of Prisons in India was prepared by Bureau of Police Research and Development, Ministry of Home Affairs (Government of India) and that the draft of the said Model Prison Manual was circulated amongst all the States and Union Territories to have their comments and suggestions. He states that it appears that State of Jharkhand has not taken pain to draft its own Prison Manual for the management of prisons in the State of Jharkhand till date whereas, the neighbouring State (State of Bihar) which was having its earlier Manual known as Bihar Jail Manual, 1925 has now, while exercising power under Section 59 of the Prisons Act, 1894 re-drafted the Jail Manual and it has been published in the form of Bihar Prison Manual, 2012. Mr. Tandon states that perusal of the Bihar Prison Manual indicates that many changes have been incorporated for proper Superintendence and Management of the Prisons in the State of Bihar in the light of the observations made by the Hon'ble Supreme Court of India in various judgments as also in conformity with the Constitution of India whereas, State of Jharkhand is still lagging behind.

6. Mr. Manoj Tandon is right in saying so and it appears that Home Department of the State of Jharkhand is sleeping over the matter. It is never too late. Let it be a wake up call for the Home Department.

7. Additional Chief Secretary, Department of Home, Government of Jharkhand is directed to look into the matter and ensure that a fresh Model Prison Manual for the Superintendence and Management of Prisons of the State of Jharkhand is prepared at the earliest. Needless to say that he will have a complete re-visit to Model Prison Manual prepared in this regard by Bureau of Police Research and Development, Ministry of Home Affairs, Government of India which is available on the website also. Let a complete status report be filed in this regard on or before the next date of hearing by the respondents.

8. List again on 18.05.2016.

9. As requested, copy of the order shall be provided to the learned counsel for both the sides under the seal and signature of the Court Master of this Court.