
(2010) 09 RAJ CK 0035

In the Rajasthan High Court

Case No : Civil Writ Petition No. 14539 of 2009

Lala @ Rais and Others

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 29-09-2010

Acts Referred:

Citation : (2010) 09 RAJ CK 0035

Hon'ble Judges : S.S. Kothari, J; Dalip Singh, J

Bench : Division Bench

Judgement

1. This petition has been filed by five persons who are undergoing sentence for life on account of various orders of conviction and sentence as stated in Para 2 of this petition. Prayer made is for their transfer to the Open Air Camp in accordance with Rajasthan Prisoners Open Air Camp Rules, 1972.

2. Learned Counsel for the petitioner sought to rely upon the judgment of this Court in the case of D.B. Civil Writ Petition No. 8994/2006, Ishwar and Ors. v. State of Rajasthan and Ors. decided on 23rd August, 2007 whereby while allowing the writ petition three directions were given by the Court. The operative portion of the order reads as follows:

For these reasons, we direct the State to firstly carry out a survey and to collect data with regard to the number of prisoners who are eligible for being transferred to the Camps. Secondly, to establish Camps at each district headquarter for transferring the eligible prisoners. Thirdly, to ensure that the meeting of the Advisory Committee should take place atleast twice in a year to ensure the timely transfer of the eligible prisoners to the Camps....

3. It was pointed out by the learned Counsel for the State Shri Yadav that against the aforesaid decision of this Court, the State has preferred SLP before the Hon'ble Supreme Court in which vide order dated 20th October, 2008 notices were ordered to be issued and the operation of direction No. 2 for establishing Open Air camps at District headquarters has been stayed.

4. Learned Counsel appearing for the State Shri Yadav assisted by Shri J.K. Sharma, OSD [Home] has brought to the notice of this Court that the State has in the meanwhile taken the steps for establishment of ten Open Air Camps in various Districts and out of which eight are at the stage of completion and as soon as they are completed, they would be notified in accordance with the Rules made in that behalf under the Prisons Act, 1894 [Central Act No. 9 of 1984].
5. Learned Counsel for the State has submitted that in the meanwhile the applications in the cases of present petitioners would also be placed before the
6. Committee for consideration for transfer to the Open Air Camps in accordance with the established procedure and rules.
7. On the aforesaid submissions made by the learned Counsel for the State and in the hope that Camps would shortly be established within a period of two months as submitted by the learned Counsel for the State and that the cases of the petitioners would also be considered by the Committee concerned within the aforesaid period for being transferred to the Open Air Camps.
8. On the basis of the above, this petition stands disposed of.