

(2021) 12 UK CK 0137

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 136 Of 2020, 91 Of 2019, Writ Petition (CRL) No. 333 Of 2021

Santosh Upadhyay & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 08-12-2021

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2021) 12 UK CK 0137

Hon'ble Judges : Raghvendra Singh Chauhan, CJ; Narayan Singh Dhanik, J

Bench : Division Bench

Advocate : D.S. Mehta, J.S. Virk, Prateek Tripathi, C.S. Rawat, Vikas Pande

Judgement

Raghvendra Singh Chauhan, CJ

1. In compliance of the order dated 17.11.2021, both Mr. Ranjeet Singh Sinha, the learned Secretary (Home), and Mr. Pushpak Jyoti, the learned Inspector General of Prisons, Uttarakhand, have joined this Court through video conference. Moreover, in compliance of the said order, Mr. C.S. Rawat, the learned Chief Standing Counsel for the State of Uttarakhand, has submitted an affidavit of Mr. Pushpak Jyoti, the learned Inspector General of Prisons, dated 06.12.2021. The same shall be taken on record.

2. By order dated 17.11.2021, this Court had directed the learned Inspector General of Prisons to visit the thirteen jails of the State, and to give his report along with photographs of each jail, as well as to provide this Court with his vision for improving and reforming the conditions of the jails in the State. Consequently, Mr. Jyoti, the learned IGP, has complied with the said order by submitting his affidavit.

3. A bare perusal of the affidavit, and especially of the photographs attached thereto, reveals a horrifying situation and conditions of the jails in the State. According to the said affidavit, District Jail, Haridwar, has a capacity of housing

870 prisoners. But, presently, 1400 prisoners are incarcerated in the said jail. Out of the said 1400 prisoners, 1335 are male prisoners living in twenty-three barracks. There are sixty-five female prisoners living in a single barrack. It is beyond anyone's imagination as to how sixty-five female prisoners are living in a single barrack. Moreover, it is difficult to believe how fifty-eight male prisoners live and survive in each barrack. Surprisingly, despite the fact that there are sixty-five female prisoners, according to the affidavit, there is not a single gynecologist, who is attached with the prison. According to Mr. Pushpak Jyoti, as and when need arises, a gynecologist is asked to come and attend to the needs of the female prisoners. This is, indeed, surprising considering the fact that women would continue to have gynecological problems periodically, and yet the Government has not even bothered to attach a single gynecologist, or an obstetrician, in the medical faculty provided in the jail.

4. Similarly, the Sub-Jail Roorkee has a capacity of housing 244 prisoners. But, presently, there are 625 prisoners in the said Jail. Out of these 625 prisoners, 607 are male prisoners, who are housed in eight barracks, thereby meaning that seventy-five male prisoners are stuffed into each barrack. There are eighteen female prisoners, who are housed in a single barrack. This, itself, is surprising that eighteen female prisoners are forced to live in a single barrack. According to the chart provided in the affidavit, a Medical Officer is available on call. There is one Chief Pharmacist, and one Pharmacist, who is outsourced from the UPNL. For the female prisoners, a gynecologist is available, but only on call. Surprisingly, in the Sub-Jail, no prison industry is available, and no educational facilities are available to the 625 inmates of the jail. The photograph attached with the affidavit clearly reveals that all the prisoners are forced to sleep on floor. There are two photographs of the toilets available in the jail. The condition of one of the toilets is horrifying as the walls are all dirty, unpainted, and there is hardly any sense of hygiene. Similarly, even the kitchen operating in the jail is in a tin-shed. Firewood is being used for cooking food for the prisoners. Therefore, even the kitchen continues to exist in the 19th century. Despite the availability of bio-gas, or the availability of gas stoves, the kitchen appears to belong to another century.

5. Likewise, the capacity of the District Jail, Dehradun, is 580, while it houses 1491 prisoners. Out of these 1491 prisoners, 1404 are male prisoners. These 1404 male prisoners are housed in twenty-six barracks, thereby meaning that fifty-four prisoners have to be stuffed like sardines in a single barrack. The pictures of the barrack clearly reveal that there is not a single place for the prisoners to keep their personal belongings. Even the condition of the toilets is horrifying, as the floors are broken, the walls are dirty, and the doors are in shambles. According to the table provided with regard to the District Jail, Dehradun, there are three children, who are living with the women inmates. Out of the three children, two are three years old, and one is six years old; "an educated female inmate imparts elementary education to such children". According to the affidavit, the medical staff available in the prison consists of one Senior Medical Officer, one Medical Officer, one Chief Pharmacist, and two

Pharmacists. But, considering the fact that there are eighty-seven female prisoners in the prison, there is not even a single gynecologist attached with the medical staff. Moreover, since eighty-seven women prisoners are housed in two barracks, obviously forty-three women prisoners are cramped into two barracks.

6. The only Central Jail established in this State is in Sitarganj, in District Udham Singh Nagar. The sanctioned capacity of the said Central Jail is 552, whereas, the present inmate population is 621. All the 621 inmates are men, who are housed in twenty-six barracks, thereby meaning that twenty-three male inmates are kept in a single barrack. There are no female inmates in the Central Jail. Only a part-time Medical Officer is deputed in the medical staff. The medical staff also includes one Pharmacist, and two Pharmacists, who are outsourced from UPNL.

7. The Central Jail, Sitarganj also houses the Sampoorananand Open Air Camp. Although the capacity of the Camp is 300 inmates, presently there are only forty-two inmates in the camp. This Court has asked Mr. Jyoti, the learned IGP, as to why more inmates cannot be housed in the Open Air Camp. According to him the Open Air Camp has only dilapidated buildings and few huts. The photographs of the huts clearly reveal that these are not proper huts, as they are made out of tin-sheets. The barracks, which do exist in the Open Air Camp, seem utterly dilapidated and old. Therefore, according to him, more prisoners cannot be shifted to the Open Air Camp. A bare perusal of the photographs of the huts clearly reveals that it is a tin-shed. There is no provision for a kitchen. The bed is right next to the place where the food is cooked. The sheds looks like that they have been constructed for animals, and not a place one would expect a human being to live. Surprisingly, it is in these tin-sheds or tin-shanties that the Government expects a prisoner to live after he has reformed himself/herself, after the prisoner can be brought back safely to the mainstream of the society. The contrast between the accommodation available at the Open Air Camp with the accommodation available at the Central Jail would certainly discourage a prisoner to reform himself/herself. For, the accommodation available within the Central Jail is far better than what is available in the Open Air Camp. But, this is not to say that the accommodation available in the Central Jail is any good. A bare perusal of the photographs of the barracks of the Central Jail clearly reveal that there is not even a place for the prisoners to keep their personal belongings.

8. The Sub-Jail Haldwani and the District Jail, Nainital, which are ironically right under the nose of this High Court, are the worst of the lot. Both in Sub-Jail Haldwani and in the District Jail, Nainital, prisoners are not even provided with beds. In fact, they are forced to sleep on the floor as revealed by the photographs of the respective jails.

9. The capacity of the Sub-Jail Haldwani is 535. But, presently, it houses 1713 prisoners. Out of these 1713 prisoners, 1623 are male prisoners. These 1623 male prisoners are housed in nine barracks, thereby meaning 180 prisoners per barrack. It is beyond imagination as to how 180 human beings can be stuffed into a barrack. It is not beyond imagination that 180 human beings will find it

difficult to even breathe in a barrack. It is unclear whether these 180 human beings have sufficient space to sleep, or do they have to sleep by turns, or in shifts. For, the photographs do not reveal that the barrack is large enough to house 180 prisoners simultaneously. Even the photograph of the kitchen in the Sub-Jail Haldwani clearly reveals that it is not a well-equipped kitchen, as even chapatis have to be made on the floor of the kitchen. Even the toilets in the jail are unhygienically kept.

10. According to the affidavit, there are ninety female inmates housed in two barracks i.e. forty-five female inmates in each barrack. Even at Haldwani there is not even a single gynecologist attached despite the large number of female inmates in the jail. The medical staff consists of a fulltime Medical Officer, two male Pharmacists, and one female Pharmacist, who are outsourced from UPNL.

11. Similarly, in District Jail, Nainital, the sanctioned capacity is of seventy-one inmates, whereas presently there are 174 prisoners housed in the said jail. All inmates are men. The medical staff consists of a Medical Officer of the Reserve Police Lines, Nainital, who is directed to be present, on call, from the prison. Surprisingly, there is no prison industry for upgrading the skills of the prisoners. As far as educational facilities are concerned, only "an inmate teacher is imparting adult education to the illiterate prisoners". Even the photographs of the District Jail, Nainital, clearly reveal that the prisoners are not given beds, but are forced to sleep on the floor.

12. The District Jail, Almora has a sanctioned capacity of 102 prisoners, whereas presently there are 325 prisoners housed in the said jail. Out of these 325 prisoners, 314 prisoners are men, and eleven are women. These 314 male prisoners are housed in six male barracks. Thus, each barrack has fifty-two prisoners. As far as the medical staff is concerned, one Medical Officer has been deputed on part-time basis, three Pharmacists have been deputed to the prison on different days of the week, and one Pharmacist remains present every day for prison duties. Despite the fact that there are eleven women prisoners, no gynecologist is attached with the prison. Even no prison industry is available in the jail. Elementary education is being imparted to the illiterate inmates by the literate inmates within the jail. The pictures of District Jail, Almora clearly reveal the horrifying conditions of the barracks, as the floors are broken and unhygienic, and the prisoners are forced to sleep on the said floors. There is not a single amenity provided to them to keep their personal belongings. The kitchen is absolutely unhygienic and uses firewood for the purpose of cooking. The toilets are absolutely unclean, unkept and unhygienic.

13. Similar is the position of the District Jail, Chamoli. According to the photographs, in the District Jail, Chamoli, the kitchen, consisting of a single "chula" (earthen stove), happens to be out in the open under a tin-shed. Despite the fact that the District Jail, Chamoli has a total inmate population of 114, there seems to be only a single "chula" catering to their dietary needs. #

14. Likewise, the District Jail, Pauri has no beds for its prison population as, in the barracks, the prisoners are expected to sleep on daris and blankets. There are 185 male prisoners, who are housed in five barracks i.e. thirty-seven male prisoners are housed in each barrack. Even the photographs of the toilets give a very depressing picture, as the toilets are absolutely unkept and unhygienic.

15. There is a Judicial Lock-up at Lohaghat in District Champawat. If one were to describe what hell must look like, one merely has to look at the photographs of the Judicial Lock-up at Lohaghat. Despite the fact that it is called a Judicial Lock-up, it is a small room, which is totally dilapidated from inside, and the walls are absolutely dark and dingy. Even from the outside, it seems to be so unfit that one would not even want to keep one's animal inside this building. What is painful to notice is that we are keeping our undertrials in such a Judicial Lock-up. This Court has also been informed by the District Judge, Champawat that female undertrials are kept in a room which is "6X6". Moreover, since there is no attached kitchen for cooking the food for the undertrials, the food is cooked in the toilets.

16. To say the least, the conditions of the jails in the State are shocking beyond belief. The State seems to have forgotten its pious and constitutional duty towards the jail inmates. Repeatedly, the Hon'ble Supreme Court has proclaimed that merely because a person becomes an undertrial, or a convicted prisoner, he/she cannot be denuded and denied his/her fundamental rights. The bright light of Article 21 of the Constitution of India continues to burn even for a prisoner. Despite the fact that a person is incarcerated in jail, yet Article 21 of the Constitution of India dictates and demands that the Right to Life has to be respected by one and all. The Right to Life would include the right to live with a sense of dignity, with a sense of honour, and privacy. It also demands that every human being should live life above "animal existence".

17. But the facts and figures quoted hereinabove clearly reveal that prisoners are being herded into barracks like animals, and are left to fend for themselves. Without proper kitchen, proper food is not being provided to them. Without proper medical facilities, their health issues are being neglected. Without proper amenities i.e. the basic amenity of providing them with beds, they are being forced to sleep on cold floors, and that, too, in those areas of the State which faces the wrath of a harsh winter. There are no educational facilities, there are no industries, and yet we hope that our prisoners will reform themselves to the extent that they can be brought back as contributory members of the society. Such hopes are no longer hopes, but mere delusions being entertained by the State Government. If the State is of the opinion that by keeping the prisoners in such harsh conditions, it would lead to reform of the prisoners then the State is deluding itself. A bare perusal of all photographs submitted with the affidavit clearly reveals that we continue to treat our prisoners as "subjects", and "not as citizens". One could understand this position if one were living in British India, where we were treated as subjects, and the Rulers thought it proper to torture

us by putting our people in the harshest conditions. These conditions were clearly meted out to the prisoners in the Cellular Jail in Port Blair, or the Ahmednagar Jail in Ahmednagar, or the Jail where Late Pandit Jawahar Lal Nehru was kept in Dehradun. But, the State has forgotten the fact that we are an independent nation for the last seventy-five years, where we are no longer dealing with the "subjects of the British crown", but we are concerned with our own citizens.

18. The affidavit frankly admits the fact that there is an issue of overcrowding in our jails. But even the projected future requires a re-thinking. According to the affidavit, a proposal was sent on 28.01.2020 i.e. almost two years ago to increase the capacity of the Central Jail at Sampoorananand Open Air Camp from 550 to 1000. A reminder was sent after a lapse of one year and eleven months on 26.11.2021 to the Home Department by the learned IGP. Yet, no thought has been given by the State for increasing the capacity of the Central Jail.

19. Similarly, even for the Sub-Jail, Haldwani a proposal was sent to the Government on 05.10.2019. A Detailed Project Report was submitted on 04.12.2020. But, despite the lapse of a year, not a single step has been taken for increasing the capacity of the Sub-Jail, Haldwani.

20. Since five districts of the State, namely Bageshwar, Pithoragarh, Uttarkashi, Champawat and Rudraprayag, do not have jails of their own, the undertrials and convicts from these five districts are being housed at District Jail, Almora. Moreover, the District Jail, Almora was constructed in the year 1872 by the Britishers. Therefore, the barracks of the jail are 149 years old. Yet, according to Mr. Jyoti, the learned IGP, no budget was sanctioned for the maintenance of the jails throughout the State. Even for the budget proposal for the budget for the year 2022-23 only Rupees One Crore has been requested from the State Government. Despite the fact that a double storeyed barrack is proposed at District Jail, Almora, which can house only 250 inmates, the construction will be carried out in a phased manner. Thus, it is absolutely unclear as to how the overcrowding of the District Jail, Almora would be resolved in the near future. Despite the fact that the capacity of the said jail is of 102 prisoners, presently it is housing 325 prisoners i.e. 100% more than its capacity. Therefore, obviously, the problem of overcrowding would continue even in the future.

21. According to the affidavit, there are certain jails, which are under construction, namely at Pithoragarh, Udham Singh Nagar and Champawat. Interestingly, for Pithoragarh, a new jail is being proposed with a capacity of only eighty inmates. Out of the budgetary allotment of Rs. 27.49 crores, Rs. 22.81 crores have already been sanctioned and granted to the concerned agency. Mr. Ranjeet Singh Sinha, the learned Secretary (Home), informs this Court that the construction has been going on for the last fifteen years. But despite the construction for the last fifteen years, only the outer boundary wall has been constructed so far, that, too, after an investment of Rupees Seven Crores. Surprisingly, Rs. 27.49 crores is being spent for housing merely eighty inmates.

Curiously, while the State has Rs. 27.49 crores for housing eighty inmates, implying thereby that Rupees Forty Lakhs would be spent on each inmate, the State does not have sufficient funds for maintenance of all the other thirteen jails operating presently in the State. For, according to the learned IGP, in the last year budget not a single penny was given for maintenance of the jails throughout the State. This is, indeed, a shocking state of affairs where a huge amount is being spent for housing eighty inmates, while thousands of inmates are cribbed, cabined and confined in the conditions mentioned hereinabove. Most importantly, despite the lapse of fifteen long years, only the outer boundary wall of the District Jail has been completed so far. It seems that nobody is held accountable for the lapse in the slow paced construction. Even today it is claimed that the construction work of the jail would hopefully be completed by 31.05.2023. Therefore, the prisoners from Pithoragarh would continue to be housed at Almora, notwithstanding the fact that such a distant keeping of the prisoners would violate their right to interact with their families; it will tantamount to violation of Article 21 of the Constitution of India.

22. A new District Jail is also being proposed for Udham Singh Nagar district. The said jail is proposed to have a capacity of 2580 inmates. In the first phase, the construction to be undertaken will be for a capacity of 480 inmates. The total construction cost is Rs. 48.20 crores. Out of this, Rs. 9.06 crores have already been released by the Government. The said first phase construction will be completed by 20.01.2024. If the total capacity is for 2580 inmates, and the first phase would be completed only after two years, one wonders as to how long the other phases would take for the completion of the complete District Jail, which would be able to house 2580 inmates. Obviously, the problem of overcrowding at jail in Udham Singh Nagar will not be solved in any near future.

23. A new District Jail has also been proposed for District Champawat. However, the proposal was sent only on 15.11.2021. Therefore, it continues to be under consideration with the State Government.

24. A new jail is also proposed in District Nainital as the present jail at Nainital was constructed in 1906, and has a capacity of only seventy-one inmates. A new jail with a capacity of 2200 inmates is proposed. But the proposal can be implemented only after a suitable land is available in the district. Therefore, the very proposal, for establishing a new jail in District Nainital, hangs in animated suspension.

25. According to the affidavit, the construction of a new Central Jail is also under consideration. The said new Central Jail would have a capacity of housing 3500 inmates. The construction would naturally be undertaken in a phased manner. However, it is unclear whether the new Central Jail would be established in District Pauri, District Haridwar, or District Dehradun. Thus, the very location of the proposed Central Jail is uncertain. It is also under consideration that District Jails in Uttarkashi and Rudraprayag would be constructed. However, even the appropriate and suitable land has not been selected for the construction of the

said jails.

26. A perusal of the facts mentioned hereinabove clearly reveals the dearth of medical facilities and medical staff in each jail. Although the Director General, Medical Health and Family Welfare has been requested to appoint full time Medical Officers in the Jails, the said proposal is yet to be accepted by the State Government. According to the affidavit, the Central Jail at Sitarganj lacks medical staff.

27. According to the affidavit dated 17.04.2021, submitted by the former Inspector General of Prisons, Mr. A.P. Anshuman, which is readily available in the records, there are large vacancies in the post of Warder, 173 to be precise. There are forty-three vacancies on the post of Reserve Warder, and seventeen vacancies on the post of Women Warder. Despite the fact that on 20.01.2020 a request was made to the Uttarakhand Subordinate Service Selection Commission ('the UKSSSC', for short) for recruitment to the said posts, the recruitment has not been completed despite the lapse of almost two years. In total, there are 407 vacant posts, which need to be filled up. Yet, not a single step has been taken by the UKSSSC for filling up these posts.

28. According to Mr. Jyoti, the learned Inspector General of Prisons, in the budgetary proposal for the year 2022-23, a total budget of Rs. 88,58,71,000/- has been sent to the Government for being sanctioned. Out of this huge amount, only Rupees One Crore has been asked for the maintenance of the thirteen jails operating throughout the State. Moreover, according to him despite the fact that in the last financial year a budget was sought for the maintenance of these jails, not a single penny was ever paid. Therefore, these jails continue to exist in very horrible conditions.

29. It is, indeed, trite to state that it is the responsibility of the State Government to not only maintain the existing jails, but also to construct new jails for the benefit of the jail population. The State Government cannot be oblivious of the fact that each person, be he or she undertrial or a convicted prisoner, is a citizen of this country. He/she is endowed with all the fundamental rights bestowed upon a person by the Constitution of India. Merely because a prisoner is incarcerated in jail, he/she is not denuded of his/her fundamental rights. The fundamental rights of a prisoner deserve to be observed as minutely and as carefully as the fundamental right of a free citizen. In catena of cases, the Hon'ble Supreme Court has already proclaimed the rights of a prisoner, and has directed each State to ensure that these rights are observed, and not breached. In the case of Francis Coralie Mullin v. Administrator, Union Territory of Delhi and others, [(1981) 1 SCC 608], the Hon'ble Apex Court has observed as under :-

5.The prisoner or detenu has all the fundamental rights and other legal rights available to a free person, save those which are incapable of enjoyment by reason of incarceration.

..... What is stated by these learned Judges in regard to the rights of a prisoner

under the Constitution of the United States applies equally in regard to the rights of a prisoner or detenu under our constitutional system. It must, therefore, now be taken to be well-settled that a prisoner or detenu is not stripped of his fundamental or other legal rights, save those which are inconsistent with his incarceration, and if any of these rights are violated, the Court which is, to use the words of Krishna Iyer, J., "not a distant abstraction omnipotent in the books but an activist institution which is the cynosure of public hope", will immediately spring into action and run to his rescue.

30. In the case of State of A.P. v. Challa Ramakrishna Reddy and others, [(2000) 5 SCC 712], the Hon'ble Supreme Court has observed as under :-

22. Right to Life is one of the basic human rights. It is guaranteed to every person by Article 21 of the Constitution and not even the State has the authority to violate that Right. A prisoner, be he a convict or under-trial or a detenu, does not cease to be a human being. Even when lodged in the jail, he continues to enjoy all his Fundamental Rights including the Right to Life guaranteed to him under the Constitution. On being convicted of crime and deprived of their liberty in accordance with the procedure established by law, prisoners still retain the residue of constitutional rights.

28. Thus, fundamental rights, which also include basic human rights, continue to be available to a prisoner and those rights cannot be defeated by pleading the old and archaic defence of immunity in respect of sovereign acts which has been rejected several times by this Court.

31. Considering the horrible conditions of the prisons in the State, this Court issues the following directions to the State Government :-

(i) The State Government shall not only improve the conditions of the existing jails, but shall also ensure that new jails are constructed in an expeditious manner.

(ii) An Open Air Camp, on the Rajasthan Model, should be constructed in the Garhwal Region, preferably either in Haridwar or Dehradun district. While constructing the Open Air Camp in the Garhwal Region, the Open Air Camp at Sitarganj, namely Sampooranand Open Air Camp, should also be reconstructed on the Rajasthan Model.

(iii) The State Government shall provide sufficient budget for the maintenance of the jails, which are presently operating in the State.

(iv) The facilities being provided in the jails, namely the kitchen, needs to be modernized, and be up to date. The bathrooms need to be redone, and renovated. Factories need to be established in order to upgrade the skills of the prisoners. Better medical facilities, including permanent Doctors, male nurses, female nurses, gynecologist where the jails have female prisoners, need to be ensured on a war footing.

(v) The 407 vacancies in different cadres need to be filled up as expeditiously as possible, and preferably within a period of six months from today. In case the UKSSSC finds it difficult to do so, then the State Government is directed to take a strict action against it. For, the Commission cannot abdicate its responsibility of recruiting sufficient staff. Needless to say, the jail department cannot be run until and unless it is given complete staff to look after the large population of the jails.

(vi) The State Government is also directed to consider establishing of District Jails in the six districts, which are presently without any jails.

(vii) In the case of T.N. Mathur v. State of Uttar Pradesh, [1993 Supp. (1) SCC 722], the Hon'ble Supreme Court has held as under :-

We, therefore, issue an interim direction to the State of U.P. that wherever such detentions are resorted to, the persons detained must be housed in a lock-up which will provide at least 40 sq. ft. per person with minimal facilities of some furniture such as a cot for each of the detained persons and supply of potable water. Having regard to the climatic conditions of the place, the lock-up should provide for an electric fan. There must be hygienic arrangements for toilet. The State of U.P. shall ensure the satisfaction of these conditions wherever such arrests and detentions are resorted to.

Therefore, the State Government is, hereby, directed to construct a new Judicial Lock-up at Lohaghat with all modern amenities; it is further directed to ensure that the present Judicial Lock-up at Lohaghat is completely renovated and a separate kitchen is provided for cooking of the food.

(viii) The State Government should grant the budget requested by the Jail Department. The State Government needs to realize that if sufficient number of factories and industries are introduced, as have been introduced in Cherlapally Central Jail in Hyderabad, not only the skill upgradation of prisoners is guaranteed, not only a livelihood is guaranteed to the prisoners after their release, most importantly the jails become an economic center of productivity. It is no secret that Cherlapally Central Jail in Hyderabad produces all the wood and steel furniture required by the Government of Telangana. It has petrol pumps, which are operated outside the Cherlapally Central Jail by the convicted prisoners. Even the women jail has a confectionery, which operates and caters to the confectionery needs of the people of Hyderabad.

(ix) This Court hereby constitutes 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 is directed to inspect all the 13 Jails of the State and to 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 the jail inmates. Secondly, the Committee shall also recommend the necessary laws, which need to be enacted or promulgated for the benefit of the jail inmates. The Committee would submit their recommendations to the State Government within

a period of three months. The State is duty bound to carry out their recommendations within a period of six months thereafter.

(x) The prisoners of this State cannot be left to languish in what was described by Dante in his book "The Divine Comedy" as the hell. We have to realize that the prisoners are as much part of our society, of our State as free citizens are. Therefore, the State cannot abdicate its constitutional responsibilities towards the prison population.

(xi) Mr. Ranjeet Singh Sinha, the learned Secretary (Home), and Mr. Pushpak Jyoti, the learned Inspector General of Prisons, Uttarakhand, are directed to inform this Court, on a monthly basis, about the progress being made with regard to the implementation of the directions issued by this Court in today's order.

32. Both Mr. Ranjeet Singh Sinha, the learned Secretary (Home), and Mr. Pushpak Jyoti, the learned IGP, Uttarakhand, are directed to be present before this Court through video conference on 12.01.2022.

33. The Registrar (Judicial) is directed to inform the members of the Committee, constituted by this Court, with regard to the today's order.

34. The Registry is directed to list this case on Wednesday of every third week of each month.

35. List this case on 12.01.2022.