

Chief Justice's Court

Case :- CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 2357 of 1997

Petitioner :- Bachchey Lal

Respondent :- State of U.P. and Others

Counsel for Petitioner :- From Jail, Patanjali Misra Amicus C.

Counsel for Respondent :- A.G.A., Sudhir Mehrotra, Vimalendu Tripathi

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Saumitra Dayal Singh, J.

1. Affidavit of compliance filed today. Taken on record.
2. Sri Ajeet Kumar Singh, learned Additional Advocate General, assisted by Sri Rupak Chaubey, learned counsel for the State, Sri S.M.A. Rizvi, Secretary (Finance), Smt. Chitralkha Singh, Additional IG (Prison) and Sri Arvind Kumar Singh, Senior Superintendent of Jail/DIG (Prison), Prayagraj are present in Court.
3. Pursuant to the last order, the matter has been listed today. Perusal of the order sheet indicates, the matter has remained pending largely on account of the stand/approach adopted by the State. It borders on indifference to the plight of the prisoners and under trials. That indifference if exists, may never find acceptance to the Court.
4. Repeatedly, orders have been passed giving opportunity after opportunity to the State respondents to take an informed decision with respect to revision of wages to be paid to the convicts serving out their sentence. At present, a paltry sum of Rs. 40, Rs. 30 and Rs. 25 is being paid to such convicts. It is informed, the same has not been revised for more than 10 years.
5. Also, there is tremendous overcrowding in all district and central jails in the State of Uttar Pradesh. On query made, it also could not be informed, if there is a single jail

facility in the State of Uttar Pradesh where there is no overcrowding. The level of overcrowding ranges between 0.5 to 3.2. The same cannot be allowed to remain unattended. The society in general has suffered enough during the spread of pandemic COVID-19. That tragedy had led the Court to pass judicial orders and also the Government authorities passed appropriate administrative orders to release convicts and under trials on parole basis. Still the State authorities appear to have not woken up to the imperative need to urgently increase the jail facility adequately, to house all convicts and under-trial prisoners, in conditions conducive to dignified human existence.

6. It may not be forgotten that the convicts and under trials are not only human beings but are part of our society. They are housed in jail facility by way of necessity to offer corrective measures and not by way of condemnation. In fact, unless conditions (inside jail faculties), for dignified human existence are assured, inside jails, the justice delivery system may remain from dispensing justice with dignity. It is dignity that is at the root of justice delivery system so that any punishment awarded is met out in accordance with law in circumstances that are conducive to human life is without offending the basic/fundamental human rights.

7. It is these primary concerns that are reflected in the last many orders recorded on the order sheet. The officers of the State who have mostly remained present in the Court on the dates fixed, have always been assuring of appropriate action and decisions to be made. Since the matter of revision of wages, renovation and extension of jail facility would arise upon policy decision, we have been

repeatedly assured that that matter would be put up before the appropriate authority of the State Government, in real time. However, it has become necessary to record, over the last few months, we have never been assured by the officers or the counsel appearing for the State - of any time frame within which such decisions may be taken, so that commensurate action may follow and be monitored, if required.

8. This leads us to a *prima facie* impression that the State authorities are only offering lip service to the grave concern voiced by the Court. Had they been serious, action commensurate to their words and writings offered to the Court (in the affidavits submitted), would be visible. We would not be struggling at the same stage. Today even in the affidavit that has been filed by Sri Satya Narain Sabat, DGP/IG (Jail Administration and Reforms Services), no such timeline has been offered. Today, again, it has been informed, the State authorities will take appropriate policy decision on the wage revision and with respect to increase of jail capacity and other amenities including modular jail facilities to be set up. With respect to jail capacity only this much has been informed that Committees have been formed and few meetings have taken place.

9. Considering the fact that the average rate of overcrowding has fallen marginally from 1.9 in June, 2022 to 1.6 in June, 2023, we find the assurance given is not worth accepting. The words offered by the State authorities are light. The Court may also remain mindful of the fact that, in recent times, heinous crimes have been committed inside jail premises. Nothing would be more shocking to the Court or the justice delivery system (as a

whole) than murder of any under trial or convict while in the custody of the Court. To allow present circumstance to exist would be to perpetrate similar occurrences in future. That would be a blot on the entire judicial set up.

10. In view of what has noted above, at this stage, Sri Ajeet Kumar Singh, learned Additional Advocate General assures the Court that an informed decision with respect to wage revision would be taken within the next 30 days. For one last time, we act on such assurance.

11. Accordingly, again as suggested by learned Additional Advocate General, **put up this case on 09.08.2023 at 2:00 p.m.**, on which date Sri S.M.A. Rizvi, Secretary (Finance), Smt. Chitralkha Singh, Additional IG (Prison) and Sri Arvind Kumar Singh, Senior Superintendent of Jail/DIG (Prison), Prayagraj to remain present in Court. Failing firm action taken as to wage revision, appropriate affidavits may be filed by the officers present in Court explaining the exact steps taken by each of them, from beginning, with respect to wage revision i.e. from the date when the Court took first notice.

Order Date :- 4.7.2023

Abhilash

(S. D. Singh, J.) (Pritinker Diwaker, C.J.)