

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.698/2021

KANHAIYA SINGHAL & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.72644/2021-EXEMPTION FROM FILING
AFFIDAVIT)

Date : 29-08-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Petitioner-in-person

Ms. Anisha Agarwal, Adv.
Ms. Vani Singhal, Adv.

For Respondent(s)

UPON hearing petitioner in person the Court made the following
O R D E RBy way of this petition in the form of Public Interest
Litigation under Article 32 of the Constitution of India, the
petitioner has prayed for the following reliefs -

"a) Issue an appropriate writ, order and/or direction by directing the respondent no.1 & 2 to invite all the States/Union Territories for formatting an Uniform Open Jail/Open Prisons/Semi Open Prisons Rules/Manual throughout the country within a prescribe period of time as fixed by this Hon'ble Court;

b) Issue an appropriate writ, order and/or direction by directing the respondents to amend their prison policy/rules/regulations by removing the discriminatory provisions of induction of prisoners in Open Prisons/Semi Open Prisons on the basis of age/gender/residential status/

c) Direct the looks/ marital status/parentage/the State in which the offence has been committed; respondents to mandatorily maintain Open Prisons/ Semi Open Prisons at District Level of each State and at least one Open Prison/Semi Open Prison in each Union Territory;

contd..

d) Constitute a committee headed by a Retired Hon'ble Judge of this Hon'ble Court and comprising of at least two retired Hon'ble Chief Justices/Judges of High Courts of our country and two eminent persons having experience in Prison Reforms, to screen the Open Prison and Semi Open Prisons rules/regulation/policy being followed in various States and Union Territories of Country and make appropriate suggestions for the Uniform Prisons Policy regulating Open Prisons and Semi Open Prisons;"

It cannot be disputed that the prison is a State subject and the concerned States have to take a call and/or policy decision even with respect to the open prisons/semi-open prisons and the modalities to be worked out for the purpose of granting the benefit of open prisons/semi-open prisons. No straight jacket formula can be followed, as every State would have different problems including availability of the land etc. However, we appreciate the concept of open prisons/semi-open prisons. Therefore, we dispose of the present writ petition by permitting the petitioner to make detailed representation to the concerned States making suggestions and requesting to have uniform procedure/policy for open prisons/semi-open prisons and as and when such representation with suggestions is made, we direct the concerned States to look into the same and take appropriate decision in accordance with law and on its own merits and whatever the best modalities are found, the same may be implemented.

With this, the Writ Petition stands disposed of.

Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

