

GAHC010098532020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL(Suo Moto)/4/2020

XXX
GUWAHATI

VERSUS

IN RE - THE STATE OF ASSAM AND 2 ORS
REP. BY THE ADDL CHIEF SECRETARY , HOME AND POLITICAL DEPTT,
JANATA BHAWAN, DISPUR, GUWAHATI- 06

2:THE INSPECTOR GENERAL OF PRISONS (IGP)
JAWAHAR NAGAR
KHANAPARA
GUWAHATI- 781022

3:THE SUPERINTENDENT
CENTRAL JAIL
LOKHRA ROAD
GUWAHATI- 78103

Advocate for the Petitioner : MR. T J MAHANTA

Advocate for the Respondent : GA, ASSAM

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

19-05-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. P.P. Dutta, learned counsel for the Gauhati High Court. Also heard Mr. D. Saikia, learned Senior Standing Counsel, Government of Assam assisted by Mr. R. Dhar, learned Senior Government Advocate, Assam; Mr. J. Payeng, learned Standing Counsel, Foreigners' Tribunal and Ms. S.s. Hazarika, learned counsel for the respondents.

Pursuant to the earlier order dated 11.05.2021, a list of female jail inmates has been placed before the Court which gives details of such female jail inmates who are either under trials or have been convicted and lodged in different jails in Assam and are having small children with them. The list contains the names of these inmates.

On enquiry, we have found that these children are not juvenile in conflict with law, but they are in jail since they are less than six years of age and as per the Jail Manual, they are allowed to stay with their mothers who are in jail.

Under these strange and difficult circumstances of second wave of COVID-19 pandemic where a Higher Powered Committee of this Court is already seized with the matter and which has drawn certain principles on which jail inmates have to be released on temporary bail for three months or so, it would

be in the best interest of everyone that this list be forwarded to the said High Powered Committee which shall look into this aspect and examine whether any of the inmates who are in the list can be released under these special circumstances of COVID-19 pandemic (2nd wave).

Mr. R. Dhar, learned Senior Government Advocate, Assam undertakes to furnish the list to the High Powered Committee.

We also direct Registrar (Judicial) to place this list before the High Powered Committee for a decision to be taken by the Committee.

List on 28.05.2021.

JUDGE

CHIEF JUSTICE

Comparing Assistant