

CWP No. 24167 of 2017 (O&M)

Dr. Swarandeeep Singh vs State of Punjab and others

Present None for the petitioner.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

1. In this Public Interest Litigation request for probing into the functioning of jails in the State of Punjab has been prayed for.
2. The petitioner is doctor by profession. He was posted in Central Jail, Ludhiana, at the time of filing of this PIL. During his visits, the petitioner found grave irregularities in the functioning of the jails. Food provided to the jail inmates by the authorities was of poor quality. A person could hardly survive on the food being provided by the jail authorities. The food was cooked in unhygienic conditions. There was no proper ventilation in the jail kitchen. The persons working in the kitchen were suffering from number of diseases. Ration provided to the jail authorities never reached the jail inmates. There was no proper supply of medicines. The jail inmates

suffering from contagious disease were kept in the same cell where other jail inmates were lodged. Serious sick persons were not admitted in the hospital. They were kept in the cells. A sum of ` 15,000/- was being charged from the prisoner, who wanted to be admitted in the hospital even though they were not sick. The petitioner was also pressurized to admit in hospital the jail inmates, who were not even sick. The attack was managed on him by the jail staff on 12.9.2017. The cartons of medicines coming to the jail were empty. Drugs and injections were available in jail openly, however, the jail inmates had to pay exorbitant prices for the same. There was no proper procedure to store the medical files of the jail inmates. The inmates, who spoke against the jail authorities, were tortured. This was the story of all the jails in the State of Punjab. Many jail inmates died in jails because of lack of medical aid. Seriously ill patients were not sent to the hospitals

3. It is in these circumstances, the present writ petition has been filed seeking following reliefs:-

“it is respectfully prayed for issuance appropriate

writ, order or direction be issued for ordering an independent probe into the functioning of jails in the State of Punjab especially in District Ludhiana and to provide protection to the Jail Staff whosoever asked for and provide basic amenities to the Jail inmates, provide adequate medical aid and treatment and also to give them proper food to eat and further to order an independent inquiry into the supply of drugs and other intoxicants in Jails.”

4. The affidavits were exchanged. On the last date of hearing i. e. on 8.5.2019, this Court had ordered the State to file an affidavit of a responsible officer indicating the steps taken by the State in respect of the grievances raised in the writ petition with regard to the conditions prevailing in the jails within the State of Punjab, particularly in District Ludhiana.

5. Additional affidavit dated 22.10.2019 has been filed today by Rajiv Kumar Arora, Superintendent, Central Jail, Ludhiana, in the Court. According to the averments contained in the affidavit, a Special Investigation Team was constituted in compliance to the order passed in CWP No. 20359 of 2013. The Special Investigation Team submitted its

report with 14 suggestions received from the office of the Additional Director General of Police (Prisons), Punjab. According to the affidavit, the computerization of inventory of medicines has been started. The e-prison software is already being monitored and updated by a dedicated team of jail staff and project e-passy (purse) has also been introduced. The jail is being visited regularly by the specialist doctors from the Health Department. Duty chart is also displayed on the display board in the jail hospital. Doctors and para-medical staff are performing their duties as per Jail Manual. Two jail guards are permanently deputed for the security of the doctors and para-medical staff. 64 CCTV cameras have been installed in the jail premises. However, there is demand of 200 more cameras for which letter no. 5462 dated 16.5.2019 has already been written to the head office. The matter was being taken up with the Additional Director General of Police (Prisons), Punjab. Regular Yoga and Spiritual Programs are conducted for jail inmates. Jail inmates are imparted vocational training. Hand Held Metal Detector, Door Frame Metal Detector and Walkie Talkies are used in the jail for stopping illegal communication and other mal-practices inside jail

premises. However, there is no jammer in the jails. Team of two paramedical staff is looking after the patients who are suffering from Hepatitis-C. Five RO plants are already installed in the jail. Colour TVs and Fans are already provided. FIR No. 251 dated 12.9.2017 has been registered against Baljit Singh @ Baba, Vishal and Arun Kumar for attacking the petitioner. The medical staff works in jail for six months and after six months new batch of medical officers is deputed. The petitioner has completed his term and he has been sent to Civil Hospital, Payal.

6. The petitioner has filed the writ petition stating that the jail inmates are not being provided sufficient food. The food is cooked in unhygienic conditions. It is directed that all the jail inmates must be provided sufficient food. The State of Punjab is directed to improve the existing kitchens with all modern facilities including automatic *chapati* making machines. Kitchen of the jails must have proper ventilation. Hygienic conditions must be maintained while cooking food. Food should be served in proper crockery.

7. The petitioner has also alleged that there was no proper supply

of medicines. It shall be the responsibility of the CMOs to ensure proper supply of medicines and its distribution to the jail inmates. The inmates suffering from contagious disease must be kept separate from other jail inmates. The shifting of the jail inmates to the hospitals from the jail on account of illness shall be permitted only on the basis of certification of CMO concerned.

8. The State of Punjab is also directed to ensure hygienic conditions in the jails. Sufficient number of *safai karamchari* be deployed in the jails. Medical record of the inmates must be maintained properly and kept in safe custody. The fundamental and legal rights of the jail inmates are required to be preserved by the State.

9. The petitioner has highlighted the torture being inflicted on the inmates in the jails. The State of Punjab is directed to ensure that no inmate in the jail suffers physical or mental torture. The Superintendent of Jail/ Deputy Superintendent of Jail shall be personally responsible for the safety of inmates in the jail. The Secretary, Legal Services Authority, Punjab, shall visit every jail in the State of Punjab fortnightly, to ensure that no jail inmate is tortured by the jail authorities. In the jails, convicts and under-trial

are lodged.

10. It shall be open to the jail inmates to send communication by any mode to the Registrar General of this Court in the case of physical violence/torture.

11. As per the inspection note recorded by Sessions Judge, Ludhiana, dated 29.8.2017, there were 2362 under-trials, 896 convicts facing rigorous imprisonment, 23 convicts facing simple imprisonment, 6 foreigner under-trials, 2 foreigner convicts and 1 civil prisoner i.e. total 3290 jail inmates. In the inspection note recorded by Sessions Judge, Ludhiana, on the inspection of Central Jail, Ludhiana, on 25.10.2017, there were 2206 under-trials, 797 convicts facing rigorous imprisonment, 19 convicts facing simple imprisonment, 6 foreigner under-trials, 2 foreigner convicts and 1 civil prisoner i.e. total 3031 jail inmates.

12. The SIT has also highlighted that 64 CCTV cameras have been installed and additional 200 cameras are required. The matter has been taken up with the Head Office vide letter no. 5462 dated 16.5.2019. The State of Punjab is directed to provide sufficient number of CCTV cameras to the District Jail, Ludhiana and other jails in the State of Punjab for security of

jail premises. It shall be the duty of the Superintendent/ Deputy Superintendent Jail to ensure that CCTV cameras are in working condition.

13. The SIT has also highlighted the requirement of mobile jammers in the jails for stopping illegal communication and other malpractices in the jail. The State of Punjab is directed to install mobile jammers in all the Central / District Jails in the State of Punjab within three months from today to stop illegal communication and malpractices.

14. The Superintendent of Jails shall also provide proper clothes including blankets, quilts in the winter and bed-sheets in the summer to the jail inmates. It shall be the responsibility of the Superintendent Jail to provide toiletries and, neat and clean towels to the jail inmates. All the barracks /cells should be regularly cleaned. The toilets/ washrooms should be maintained properly.

15. The Jail Authorities shall provide food to the jail inmates as per the diet prescribed by the dietician through the office of CMO.

16. The State of Punjab through Jail Authorities is directed to ensure compliance of Chapters XXXII, XXXIII, XXXIV and XXXV of the Punjab Jail Manual 1996.

17. The directions issued hereinabove are mandatory and

imperative. The Secretary (Home), Punjab shall be personally responsible to implement the orders.

18. List on 12.2.2020.

(Rajiv
Sharma) Judge

31.10.2019 (Harinder Singh Sidhu) vs Judge