

GAHC010098532020



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

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

1:XXX
GUWAHATI

VERSUS

1: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

Counsel for the Petitioner(s) : Mr. T. J. Mahanta, Senior Advocate
Mr. P. P. Dutta, Advocate

Counsel for the Respondent(s) : Mr. S. R. Baruah, Junior Govt. Advocate.

BEFORE
HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA
HON'BLE MR. JUSTICE MANISH CHOUDHURY

23.07.2020:
(Ajai Lamba, CJ)

1. The Court proceedings have been conducted through Video-Conference.

2. This public interest litigation, registered suo motu, seeks indulgence of the Court in view of serious and grave situation in the jails in the State of Assam. It has been repeatedly reported by now that in various jails a number of Covid-19 positive cases have been detected. Even the District and Sessions Judge, Nagaon has sent a communication to the effect that 48 out of 79 jail inmates who were tested by rapid antigen test (for Covid-19) on 21.07.2020, have been tested Covid-19 positive apart from another 5 jail inmates already tested Covid-19 positive. The communication also contains an order dated 22.07.2020 passed on the judicial side by District and Sessions Judge, Nagaon indicating the said fact.

Let a copy of the said communication be sent to all the learned counsels involved in this matter.

3. The Jail Manual mandates restricted entry in the jails. The persons confined in jails are either undertrial prisoners; or convicts, after conviction. Either way, the entry in the jail is restricted and only the authorized personnel are allowed to enter jails. *Prima facie* it becomes evident that some person from outside has been a carrier and has transmitted the disease within jails. Appropriate precautions and measures were not taken to avoid spread of the virus in the jails.

4. We hereby direct Inspector General of Prisons, Assam to file his personal affidavit clearly indicating:

- (i) How many Covid-19 positive cases have been detected in each of the jails ?
- (ii) What were the precautions taken before the inmates were detected Covid-19 positive ?
- (iii) What are the steps being taken for disinfecting the jails and giving treatment to the jail inmates ?
- (iv) How many Covid-19 positive cases are asymptomatic; and symptomatic, in each of the jails separately ?

5. In the meantime, we hereby direct that the best of the measures available with the State of Assam, be employed to give qualitative treatment to the jail inmates across the State so that no further damage is caused.

We also direct that the persons who have not been detected Covid-19 positive be segregated and be maintained as such so that the disease is not transmitted to them. In any case, all the jail inmates in the State of Assam be tested for Corona Virus, Covid-19. The results thereof be conveyed to this Court.

6. We make it clear that in case the affidavit on each of the points is not filed on or before the next date of listing, the Court is likely to impose exemplary cost to be deducted from the salary of the officer who is found responsible in causing delay in process of the Court.

7. Let the affidavit be filed in the Court.

8. List on 08.09.2020, high up on the list.

9. Let a soft copy of the reply be also filed.

JUDGE

CHIEF JUSTICE

Comparing Assistant