

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 MANASH RANJAN PATHAK**

**11-05-2021**

***(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. R. Dhar, learned Addl. Senior Government Advocate, Assam and Mr. J. Payeng, learned standing counsel, Foreigners Tribunal representing the respondents.

Learned State counsel has given certain details of persons who are in jail and having children. These children are all aged less than six years and as their mothers have been declared as foreigners, they are presently in jail with their mothers since as per the Jail Manual, children who are less than six years of age can stay with their mothers in jail. Learned State counsel shall give the details of all such persons who have been declared as foreigner and the period for which they have been put in jail to Mr. J. Payeng within 48 hours.

Learned State counsel shall also give the details of all such persons who are eligible to be released from jail in the present COVID-19 pandemic situation in view of the criteria laid down by this Court earlier as well as by the Hon'ble Apex Court in its earlier judgment.

List on 17.05.2021.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**