

IN THE GAUHATI HIGH COURT
 (High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
 Mizoram & Arunachal Pradesh)
CIVIL APPELLATE SIDE

Appeal from w/c [Taken Up] No. 6424 of 20 11
 Civil Rule

Shri Gautam Borah

Appellant
Petitioner

Versus

The State of Assam

Respondent
Opposite Party

For Appellant
Petitioner

Ms. R.S. Choudhury, amicus curiae

For Respondent
Opposite Party

G. A., Assam

Noting by Officer of Advocate	Serial No.	Date	Office notes reports orders or proceeding with signature
1	2	3	4

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1	2	3	4
<u>WR(C) [Taken up] No.6424 of 2011</u>			
B E F O R E			
HON'BLE THE CHIEF JUSTICE MR. A. K. GOEL THE HON'BLE MR. JUSTICE HRISHIKESH ROY.			
For the petitioner :-	Mrs. R. S. Choudhury, Amicus Curiae.		
For the respondents:-	Mr. B. J. Talukdar, GA, Assam.		
<u>13.08.2012</u>			
<u>(A.K.Goel, CJ)</u>			
<p>Issue taken up in this petition relates to the grievance that the size of the Lock up/Cell for the under-trials was too small. The size of the Lock up was 11.5 ft. X 13.5 ft. in which male as well as female under trials are kept for 6/7 hours. The females were also required to breast feed the minor children at times. It was necessary to have separate Lock ups with separate toilet facilities.</p>			
<p>The grievance relates to violation of right to life under Article 21 of the Constitution. Accordingly, on 23.02.2012 we directed the Deputy Commissioner, Jorhat to ensure that measures are taken to deal with the situation. The district administration made ad hoc provision for a separate toilet and took time to take further steps for separate Lock up and toilet for the females.</p>			
<p>In spite of time given, learned counsel for the State is unable to report any further progress. He says he is not getting any instructions. The apathy of the State in the matter can hardly be appreciated.</p>			
<p>Be that as it may, we direct the State of Assam to ensure that a separate Lock up for the females is constructed with proper toilet facility within four</p>			

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			<p>months. The responsibility for compliance of this order will be of the Deputy Commissioner, Jorhat. After necessary compliance, the Deputy Commissioner, Jorhat may file his affidavit before the next date.</p> <p>The District & Sessions Judge, Jorhat, may also send a report of the status after four months.</p> <p>As suggested by learned Amicus, the Registrar General may ascertain the status of Lock Ups in all the districts and identify steps necessary to be taken in this regard. Any other measures required to be adopted in various Jails may also be identified in the light of feed back from District Judges.</p> <p>Report of the Registrar General may be put up in WP(C) No.5873 of 2006 [Registrar General, Gauhati High Court vs. Union of India & others), wherein issues relating to infrastructure for Courts are being monitored.</p> <p>List this matter for reporting compliance on January 28, 2013.</p> <p>Copy of this order be given to learned counsel for the parties.</p> <p style="text-align: center;">Sd/H.ROY JUDGE</p> <p style="text-align: center;">Sd/AK GOEL. CHIEF JUSTICE</p> <p style="text-align: center;">TUC</p> <p>TRUE COPY <i>Handwritten signature</i> 16/8/12 Superintendent Civil Rule (Pending) Section Gauhati High Court <i>Handwritten signature</i> 16.8.12</p>