

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

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

17-05-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. PP Dutta, learned counsel for the Gauhati High Court. Also heard Mr. R Dhar, learned Senior Government Advocate, Assam and Ms. SS Hazarika, learned counsel for the respondents.

This Court has passed an order on 11.5.2021 which reads as under:

“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.”

The order of the Hon'ble Apex Court dated 07.05.2021 passed in *Suo Motu* WP(C) 1/2020, has also been placed before us.

Mr. R Dhar seeks two days' time to study the matter and come out with further details as to the prisoners who are presently lodged in various jails in Assam and who are liable to be released now in pursuance of the directions of the Hon'ble Supreme Court in the order dated 07.05.2021.

Time granted.

Put up on **19.05.2021.**

JUDGE

CHIEF JUSTICE
17.05.2021

Comparing Assistant