

ITEM NO.48

COURT NO.3

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 1082/2020

SUHAS CHAKMA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No. 105557/2020 - EARLY HEARING APPLICATION AND IA No. 95785/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Shri Vijay Hansaria, Sr. Advocate (A.C.)  
Ms. Kavya Jhavar, Adv.  
Ms. Nandini Rai, Adv.

Shri K. Parameshwar, Sr. Advocate (A.C.)

Mr. Satish Pandey, AOR  
Ms. Jay Jaimini Pandey, Adv.  
Mr. Braj Kishore Mishra, Adv.  
Ms. Lalita Gupta, Adv.  
Mr. Akshay Kocchar, Adv.  
Ms. Anulata Kashyap, Adv.  
Ms. Shashi Verma, Adv.

For Respondent(s)

Mr. Arvind Kumar Sharma, AOR  
Mr. Tushar Mehta, Solicitor General  
Mr. Suryaprakash V Raju, A.S.G.  
Mr. Rajan K Chourasia, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Raghav Sharma, Adv.  
Ms. Priyanka Terdal, Adv.  
Mr. Mr. Arvind Kumar Sharma, Aor, Adv.

Mr. Guntur Pramod Kumar, AOR  
Ms. Prerna Singh, Adv.  
Mr. Samarth Luthra, Adv.  
Mr. Dhruv Yadav, Adv.

Mr. Abhishek Pandey, Adv.  
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Mr. Aditya Krishna, Adv.  
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Ms. Rajkumari Divyasana, Adv.  
Mr. R. Rajaselvan, Adv.

Mr. Anando Mukherjee, AOR  
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Mr. Shiv Mangal Sharma, A.A.G.  
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Mr. Vinay Kumar Singh, Adv.  
Mr. Siddhant Singh, Adv.  
Mr. Saubhagya Sundriyal, Adv.  
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Mr. Raghvendra Kumar, AOR  
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Mr. Sabarish Subramanian, AOR

Ms. Garima Prasad, Sr. A.A.G.  
Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Sanjay Jain, Adv.  
Mr. Suraj Singh, Adv.  
Mr. Manoj Kumar Sharma, Adv.

Mr. Manan Verma, AOR  
Mr. Ankit Shah, Adv.

Mr. Sanjeev Kaushik, Adv.  
Ms. Astha Sharma, AOR  
Mr. Simranjeet Singh Rekhi, Adv.

Mr. Tadimalla Bhaskar Gowtham, Adv.  
Mr. Bhuvan Kapoor, Adv.  
Mr. Varun Chugh, Adv.  
Mr. Shreekant Neelappa Terdal, AOR

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Mr. Mukesh Kumar Maroria, AOR  
Mr. Ketan Paul, Adv.  
Mr. Mayank Pandey, Adv.  
Ms. Shivika Mehra, Adv.  
Mr. Ishaan Sharma, Adv.  
Mr. Sarthak Karol, Adv.

Ms. Rashmi Nandakumar, AOR

Mr. Sameer Abhyankar, AOR  
Mr. Aakash Thakur, Adv.  
Mr. Rahul Kumar, Adv.  
Mr. Kushagra Aman, Adv.  
Ms. Ayushi Bansal, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

**Issue with regard to the Open Correctional Institutions**

1. In order dated 15<sup>th</sup> July, 2024, this Court had directed to the Chief Secretary of the various States/Union Territories to submit their response to the order dated 17<sup>th</sup> May, 2024.
2. Shri K. Parameshwar, learned senior counsel (A.C.) states that the States/Union Territories of Gujarat, Haryana, Jammu & Kashmir, Maharashtra, Manipur, Nagaland, Telangana, Uttar Pradesh, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep,

Puducherry and Ladakh), have not yet filed their response.

3. It is further stated that the NCT of Delhi, Himachal Pradesh, Madhya Pradesh and Punjab have not submitted qualitative/quantitative charts, despite the questionnaire indicating that these states have Open Correctional Institutes.

4. It is further stated that the affidavits filed by the State of Andhra Pradesh and Tamil Nadu also do not contain all the requisite specific information.

5. We, therefore, direct that all the States/Union Territories, which have not yet filed their response, to file complete response within a period of four weeks from today.

6. The States/Union Territories, which have not given complete information, shall also give complete information within a period of four weeks from today.

7. The registry is directed to ensure that the order is communicated to the Chief Secretaries of all the States/Union Territories concerned.

8. We further clarify that if any of the State Governments or Union Territories do not respond in terms of the orders passed by this Court, we will be compelled to direct the presence of the Chief Secretary of the States/Union Territories concerned before this Court.

9. We direct the aforementioned States and Union Territories to fill and submit both of the following within four weeks from today, so that complete information may be ascertained and analysed:

- (I) Qualitative questionnaire accessible at <https://forms.gle/feCudANsXDBL3o3J8>; and  
(ii) Quantitative OCI Chart accessible at <https://docs.google.com/document/d/11jMrb7YCurpLOtdqemyYswQA9tZhwTuNrha0YhzkVMo/edit?usp=sharing>

9. List this matter after four weeks for considering the said issue.

Issue with regard to providing legal aid to the prisoners

1. Ms. Rashmi Nandakumar, learned counsel appearing for the NALSA seeks and is granted two weeks' time to file an updated status report.
2. List this matter on 09.09.2024 for considering the said issue.

(DEEPAK SINGH)  
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)  
COURT MASTER (NSH)