

CWP-PIL-93-2023 (O&M) and other connected cases
-----**COURT ON ITS OWN MOTION V/S STATE OF PUNJAB AND ORS**

Present:- Ms. Tanu Bedi, Advocate as *Amicus Curiae* and
Ms. Simran, Advocate.

Mr. Arun Gosain, Senior Govt. Counsel for the respondent/UOI.

Mr. ADS Sukhija, Addl. A.G., Punjab and
Mr. Aftab Singh Khara, Senior DAG, Punjab.

Mr. Anant Kataria, DAG, Haryana.

Mr. Munish Bansal, Public Prosecutor, UT, Chandigarh and
Mr. Rajiv Vij, Additional Public Prosecutor for UT, Chandigarh.

Mr. Hitesh Verma, Advocate and
Mr. Gourave Bhayya Gilhotra, Advocate for the applicant
in CM-85-CWPIL-2023.

Learned *Amicus Curiae* has informed us that while certain measures have been initiated by the State of Punjab to augment the security of the jails in the State of Punjab but there has been no progress in several areas, although, affidavits had been filed by the Senior Officers of the State of Punjab setting out the necessity of these measures and their respective timelines.

It was stated in the affidavit filed on 25.01.2024 that Full Body Scanners were required in 14 jails and the work would be completed in six months. In the affidavit filed on 21.03.2024, it was stated that approval has been received from the administrative department and the work would be completed within 05 months of its allotment. Another affidavit was filed on 07.08.2024 stating that tenders had been received on 27.02.2024 and the technical bids were being evaluated and the work would be completed within 06 months, after receipt of funds. In the affidavit dated 23.09.2024, it was stated that additional funds of Rs.69.94 crores have been sanctioned on 20.09.2024. However, in the affidavit dated 28.10.2024, it was stated that the tender has been cancelled as per orders of the State Government. As to on

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what basis the tenders had been cancelled, has not been set out in the affidavit dated 28.10.2024 nor in the affidavits submitted before this Court subsequently.

Furthermore, in the affidavit filed on 25.01.2024, it was stated that 438 walkie-talkie sets would be required and they would be procured within 2-3 months. Several affidavits were filed later on, indicating that the work would be completed after receipt of funds. However, in the affidavit on 16.01.2025, it is stated that the tender was cancelled. The reasons for cancelling the tender have also not been set out.

It is manifest that the walkie-talkie sets were required for proper patrolling of the vulnerable areas in the jails and without any justifiable reason, the process for procuring the walkie-talkie sets has been shelved for the reasons best known to the authorities.

Similarly, several other measures including setting up of nylon mesh, iron mesh, obtaining motorcycles for proper patrolling, searchlights, floodlights and high mass poles etc. had been suggested in the affidavits filed by the Senior Officers on behalf of the State of Punjab. However, there has been no progress whatsoever toward these aspects although these measures were suggested by the Senior Officers themselves as being essential to augment jail security.

We, therefore, are not satisfied with the measures taken by the State Government for strengthening the jail security. Many affidavits have been filed on behalf of the State, but there has been a lack of progress in the areas enumerated hereinbefore.

At this stage, Mr. Sukhija, learned Additional Advocate General, Punjab, submits that 15 days time may be granted to seek instructions to apprise this Court about the action being proposed in the aforementioned areas. He further submits that vide

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communication dated 05.03.2025, the Additional Chief Secretary (Jails), Punjab, had written to the Secretary, Ministry of Home Affairs that the work of installing V-Kavach 2.0 jammers has been stalled as the manufacturer thereof, has not received the necessary certification from the Ministry of Home Affairs.

Mr. Arun Gosain, Senior Panel Counsel, Union of India submits that learned Additional Solicitor General of India had submitted before this Court on 10.12.2024 that no separate approval is required for installation of V-Kavach 2.0 jammers. He, however, prays for time to seek further instructions.

This Court in the instant Public Interest Litigation has been monitoring the progress in augmenting the security of the jails for over a year and sufficient time had been granted to the State of Punjab to put in place the measures suggested by the Senior Officers of the State Government to augment the security of the jails.

We, therefore, direct the Chief Secretary, Punjab, Additional Chief Secretary (Finance), Punjab and Additional Chief Secretary (Jails), Punjab, to be present in this Court to explain as to why the measures, which were suggested by the Senior Officers of the State Government to streamline jail security have not been put in place till date.

List on 24.04.2025.

A photocopy of this order be placed on the file of connected case.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

March 28, 2025
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