

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU
(Chief Justice's Secretariat)

Pr. District & Sessions Judge,

All

No.: 471/PSJ

Dated: 28-01-2017

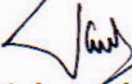
Subject: D.O. letter of Justice H. L. Dattu, Chairperson, Human Rights Commission.

Sir,

Hon'ble the Chief Justice has received a D.O. letter from Justice H. L. Dattu, Chairperson, National Human Rights Commission. On going through D.O., Hon'ble the Chief Justice has been pleased to direct as under:

"Call for report from all Pr. District & Sessions Judges".

In compliance to the directions of Hon'ble the Chief Justice, you are requested to furnish report in light of the matter highlighted by Hon'ble Chairperson, National Human Rights Commission in his aforesaid D.O. (copy enclosed) to this Secretariat within a period of one week.


(Jawad Ahmad)

**Principal Secretary to
Hon'ble the Chief Justice**

BY SPEED POST

Justice H.L. Dattu
Chairperson
(Former Chief Justice of India)



National Human Rights Commission

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D.O. No. 4/14/2016-PRP&P

4 January, 2017

Dear

Mr. Justice N. Paul Vasanthakumar

As you are aware, one of the functions of the Commission under Section 12 of the Protection of Human Rights Act, 1993 is to visit any jail or any other institutions under the control of the State Government, where persons are detained or lodged for the purpose of treatment, reformation or protection and to study the living conditions of the inmates.

As a part of these functions, the officers and Special Rapporteurs visit any jail or other institutions under the control of the State Government and submit their report to the Commission. Scrutiny of reports shows that prisons in most part of India are overcrowded. Increasing number of undertrials is one of the major factors responsible for overcrowding of jails. The congestion in jails is so bad that it creates health problems as well as compromise the basic minimum requirement for a human being.

It is the Commission's considered opinion that to decongest the jails, focus should be given on two items. They are as under:

- i. Bail for bailable offences should be given by the Courts.
- ii. The first offender under section 4 of the Probation of Offenders Act is to be placed under the control of the Probationary Officer rather than continue in the jail. Of course, the magistrate or the judge will have to take a decision based on the facts of the case.

We would be happy if you give your kind attention to this issue and instruct all the subordinate courts to consider bails for the bailable offences and not to insist on higher amount of bail for indigent prisoners. Similarly based on the facts of the case, the first offender is to be put under the Probationary Officers by court order subject to the case warranting such action. Currently, there is reluctance on his part of the courts which can be successfully removed by your instruction / direction and continuous monitoring.

With regards,

Yours sincerely,

H.L. Dattu
(H.L. Dattu)

Hon'ble Mr. Justice N. Paul Vasanthakumar
Chief Justice, High Court of J & K
Near Jehangir Chowk Flyover, Srinagar
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