

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUO MOTO PUBLIC INTEREST LITIGATION NO. 107 OF 2014**

The High Court on its own Motion ..Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Ms. Rebecca Gonsalvez for the Petitioner

Mr. H. S. Venegavkar, A.G.P. for the Respondent-State

Mr. Vijay Raghavan from Prayas, TISS – *amicus curiae*

**CORAM : MRIDULA BHATKAR &
REVATI MOHITE DERE, JJ.
THURSDAY, 12th OCTOBER, 2017**

P.C. :

1. Mr. Venegavkar, learned A.G.P tenders the Minutes of the Meeting, which was conducted on 4th October, 2017 by the Committee. The same is taken on record. The said Meeting was attended by Shri J. L. Pawar, Joint Secretary, Home Department (Prison); Mrs. Smita Nivatkar, Dy. Secretary, Women and Child Development Department; Dr. U. D. Marulkar, Asst. Director, Hospitals, Health Department; Shri Ahirrao, Jail Superintendent, Arthur Road Jail; Dr. Vijay Raghavan, Amicus Curiae and Shri H. S. Venegavkar, Addl. Government Pleader.

2. On perusal of the Minutes of the Meeting, it appears that most of the suggestions were considered and most of the issues were resolved. For unresolved issues, wherever sanction of the Government is required, it was agreed by the concerned Authority to set up the proposal.

3. As per suggestion 1, we direct Department of Welfare of Children's Development ('DWCD') to take steps to recognize atleast one NGO in each district to work with women prisoners and their children left outside, as per Rule 24 of the Maharashtra Police Rules, 1966, within 3 months from today.

4. Similarly, DWCD shall appoint one full-time lady Police Officer in all women's sections of Central Prisons and major District Prisons like Byculla and Kalyan, within two months from today.

5. As per suggestions 4 and 5, the Government may consider increasing the budgetary allocation of grant-in-aid scheme for released prisoners from Rs. 12 lakhs per annum to atleast Rs. 2 crores per annum, so

also, Government may consider increasing the grant amount under the Bal Sangopan Yojana (under DWCD) from the current Rs. 425/- per child per month, to Rs. 1,000/- per child per month.

6. As per suggestion 6, the installation of refrigerators in the women's sections to keep milk for children of female prisoners, is to be complied with, within one month from today.

7. As per suggestion 7, the State to consider creating a post of DIG Prison (Welfare and Rehabilitation) in the Prison Department, to look into welfare and rehabilitation needs of prisoners and their children, and take necessary action in near future.

8. As per suggestion 8, it is directed that women prisoners should be transferred to the District in Maharashtra, where the children are living, atleast once in three months, so that, they can meet their children. Accordingly, the State to take steps to make effective changes in Prison Manual.

9. We direct that the details about the property of the arrested woman (house or land) should be entered in the station diary and charge-sheet. In case the arrested woman has no family member to look after her house/property, the police should bring this to the notice of the remand/trial Court and seal the premises till the woman is released from custody or she authorizes someone to use her premises/land. The State may issue suitable Government Resolution in consonance with this direction.

10. Wherever, an under-trial woman is being transferred from police to judicial custody, the police should specify details about the location and address of her children's residence or the name and address of institution where they are admitted. These details should be entered in the station diary and charge-sheet. The State may issue suitable Government Resolution in consonance with this direction.

11. At the time of arrest of a parent, who is accused in murder of his/her spouse, and if a child is witness to the murder, the police should inform a DLSA lawyer or Probation Officer to remain present during questioning of the child. The DGP, Maharashtra to issue suitable orders to

the police and State to take appropriate steps to introduce this provision in the Police Manual.

12. PIL No. 107 of 2014 is hereby disposed of with the above directions.

13. The Court expresses a word of appreciation for the efforts taken and the able assistance rendered by Mr. Vijay Raghavan and Mr. Venegavkar, learned A.G.P.

(REVATI MOHITE DERE, J.)

(MRIDULA BHATKAR, J.)

