IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.(S.) 1082 OF 2020

SUHAS CHAKMA ....PETITIONER(S)

VERSUS

UNION OF INDIA AND OTHERS ....RESPONDENT(S)

WITH

WRIT PETITION (CIVIL) NO.(S.) 182 OF 2025

O R D E R

1. Heard in part

2. This Court, *vide* order dated 3rd September, 2026, upon consideration of the Status Report dated 31st August, 2026 submitted by the High-Powered Committee for Reform and Governance of Open Correctional Institutions[1] and the submissions advanced by the learned *Amicus Curiae*, issued certain directions considered necessary to facilitate

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Date: 2026.10.07 16:53:31 IST
Reason:

[1] Hereinafter, being referred to as "High-Powered Committee".

the effective and smooth functioning of the High-Powered Committee and to advance the reformative and rehabilitative objectives underlying the establishment of Open Correctional Institutions. The directions, *inter alia*, required effective representation of the concerned States and Union Territories before the High-Powered Committee, filing of requisite compliance affidavits in respect of the rights of prisoners with disabilities, and nomination by the Ministry of Home Affairs of an officer to attend to the administrative requirements of the High-Powered Committee and participate in its ongoing meetings.

3. The matter was thereafter directed to be listed on 29th September, 2026, for consideration of the further Status Report to be submitted by the High-Powered Committee, indicating the progress made and the recommendations, if any, formulated by it in furtherance of the mandate entrusted to it by the judgment dated 26th February, 2026 in ***Suhas Chakma v. Union of India*** and the judgment dated 21st April, 2026 in ***Sathyan Naravoor v. Union of India***.

4. When the matter was taken up for hearing on 29th September, 2026, the learned *Amicus Curiae*

placed a note indicating the status of compliance with the directions contained in the order dated 3rd September, 2026. The learned *Amicus Curiae* pointed out that, notwithstanding the aforesaid directions, several States and Union Territories had not yet complied with the requirement of ensuring effective representation before the High-Powered Committee by the Secretaries of the Department of Social Justice and Empowerment/Department of Social Welfare, as the case may be, or their nominees not below the rank of Additional Secretary.[2] It was further brought to the notice of the Court that the requisite compliance affidavits concerning the rights of prisoners with disabilities had also not been filed by the States and Union Territories identified in the note placed before the Court.[3]

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[2] States of Andhra Pradesh, Arunachal Pradesh, Assam, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Punjab, Telangana and West Bengal, and the Union Territories of Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Delhi, Ladakh, Lakshadweep and Jammu and Kashmir.

[3] States of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Karnataka, Kerala, Manipur, Mizoram, Nagaland, Rajasthan, Tamil Nadu, Telangana and West Bengal, and the Union Territories of Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Delhi, Jammu and Kashmir, Lakshadweep and Ladakh.

5. The learned *Amicus Curiae* further pointed out that the direction requiring the Ministry of Home Affairs, Government of India, to nominate an officer not below the rank of Joint Secretary to attend to the administrative requirements of the High-Powered Committee and to participate in its ongoing meetings had also not been complied with. It was submitted that the absence of such coordination, coupled with the continued non-compliance by the concerned States and Union Territories, was affecting the effective discharge of the mandate entrusted to the High-Powered Committee by this Court.

6. At the same time, the learned *Amicus Curiae* pointed out that the High-Powered Committee had proceeded with the substantive work entrusted to it and had constituted sub-committees to examine, *inter alia*, the conceptual framework of Open Correctional Institutions, eligibility criteria for transfer thereto, skill development, vocational training and education, revision of wages, inclusion of women in Open Correctional Institutions, and the treatment of prisoners with disabilities. It was submitted that, as part of the exercise of gathering comprehensive information necessary for the

discharge of its mandate, questionnaires had been circulated to the concerned stakeholders, including judicial officers and the prison departments of the States and Union Territories, as also to released prisoners of Open Correctional Institutions and family members, besides in relation to the treatment of prisoners with disabilities.

7. The learned *Amicus Curiae* submitted that the questionnaires were at various stages of finalisation and pilot testing and that the High-Powered Committee required further time to collect and analyse the requisite information from the States and Union Territories and, upon completion of the exercise, formulate its preliminary recommendations. The learned *Amicus Curiae*, accordingly, prayed that the matter be deferred to a later date so as to enable the High-Powered Committee to place its progress and preliminary recommendations before the Court for consideration.

8. Having regard to the concerns and deficiencies brought to our notice by the learned *Amicus Curiae*, we deem it appropriate to reiterate the directions contained in **paragraphs 8(A) and 8(B)** of the order dated 3rd September, 2026. The concerned States and

Union Territories shall, therefore, ensure compliance with the said directions in their letter and spirit, including effective representation before the High-Powered Committee of the Secretaries of the Department of Social Justice and Empowerment/Department of Social Welfare, as the case may be, or their nominees not below the rank of Additional Secretary, and the filing of the requisite compliance affidavits in respect of the rights of prisoners with disabilities. Compliance as directed above shall be ensured within a period of one month from the date of this order.

9. We further direct the Ministry of Home Affairs, Government of India, to ensure compliance with the direction contained in **paragraph 8(C)** of the order dated 3rd September, 2026, by nominating an officer not below the rank of Joint Secretary to attend to the administrative requirements of the High-Powered Committee and to participate in its ongoing meetings. The officer so nominated shall, in particular, facilitate coordination between the High-Powered Committee and the concerned States and Union Territories and ensure that the requisite information, responses and compliance are furnished to the High-Powered

Committee without avoidable delay. The nomination of the designated officer and compliance with the aforesaid directions shall be completed within a period of two weeks from the date of this order.

10. A copy of this order, as also a copy of the order dated 3rd September, 2026, shall be transmitted by the Registry to the Chief Secretaries of the States of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Nagaland, Punjab, Rajasthan, Tamil Nadu, Telangana and West Bengal, and to the Administrators/Chief Secretaries, as the case may be, of the Union Territories of Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Delhi, Jammu and Kashmir, Ladakh and Lakshadweep, for ensuring compliance with the directions contained therein. A copy of both the orders shall also be transmitted to the Union Home Secretary, Ministry of Home Affairs, Government of India, who shall ensure compliance with the direction concerning the nomination of the designated officer and facilitate coordination with the States and Union Territories for the effective

implementation of the directions issued by this Court.

11. It is made clear that the directions issued by this Court are required to be complied with within the time stipulated and that no further delay in their implementation shall be countenanced. In the event of continued or unexplained non-compliance by any State or Union Territory, this Court may be constrained to require the personal presence of the concerned Chief Secretary/Administrator, as the case may be, before this Court to explain the circumstances in which the directions of this Court have not been complied with.

12. In view of the nature and magnitude of the exercise being undertaken by the High-Powered Committee, including the collection and analysis of information from the States and Union Territories, the work being undertaken by its various sub-committees and the formulation of its preliminary recommendations, we consider it appropriate to grant the Committee a further period of three months to complete the aforesaid exercise and place before this Court its progress report and preliminary recommendations. The matters shall accordingly be

listed on 12th January, 2027 for consideration of the further Status Report and the recommendations of the High-Powered Committee.

13. List for further hearing on 12th January, 2027.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
SEPTEMBER 29, 2026.