

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	13.08.2024		<p>WPIL No.91 of 2019 With WPIL No.136 of 2020 <u>Hon'ble Ritu Bahri, C.J.</u> <u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none"> 1. Mr. R.K. Joshi, learned counsel holding brief of Mr. J.S. Virk, learned Amicus Curiae in WPIL No.91 of 2019. 2. Mr. D.S. Mehta, learned counsel for the petitioner in WPIL No.136 of 2020. 3. Mr. P.C. Bisht, learned Additional Chief Standing Counsel for the State of Uttarakhand. 4. Learned State Counsel has sought some more time to comply with the order dated 27.02.2024. 5. Reference, at this stage, can be made to the judgment of the Hon'ble Supreme Court in the case of <i>State of Gujarat & another vs. Hon'ble High Court of Gujarat, (1998) 7 SCC 392</i>, wherein the Constitution Bench of the Hon'ble Supreme Court had examined the status of prisoners doing labour work, and the Hon'ble Supreme Court held that they were entitled to equitable wages. In Paragraph No.104, the Hon'ble Supreme Court has observed as under:- <p style="text-align: center;"><i>"104. To conclude, while agreeing with the directions issued by Thomas, J., I am of the view that putting a prisoner to hard labour while he is undergoing a sentence of rigorous imprisonment awarded to him by a court of competent jurisdiction cannot be equated with "begar" or "other similar forms of forced labour" and there is no violation of clause (1) of Article 23 of the Constitution. Clause (2) of Article 23 has no application in such a case. The Constitution,</i></p>

however, does not bar a State, by appropriate legislation, from granting wages (by whatever name called) to prisoners subject to hard labour under the court's orders, for their beneficial purpose or otherwise."

6. The State is directed to examine this issue keeping in view the abovesaid judgment, and then take a decision.

7. The abovesaid judgment of the Hon'ble Supreme Court was given 26 years back, and till date, no decision to compensate the prisoners for the labour work being done by them in jail, has been taken. As of today, in jails, various items have been prepared, and sold in the open market. In Sitarganj jail, the inmates are doing job of labourers in the farm, which is about 450 acres, and still they are not being paid for the hard work being done by them.

8. List on 03.09.2024.

(Rakesh Thapliyal, J.)
13.08.2024

(Ritu Bahri, C.J.)
13.08.2024

NISHANT