

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25993 of 2024

Applicant :- Smt. Rekha

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. List of fresh cases has been revised.
2. On the request of learned counsel for the applicant, the case is passed over for the day.
3. Put up this matter as fresh after two weeks.

Order Date :- 22.8.2024

Aditya

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25993 of 2024

Applicant :- Smt. Rekha

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

After the order had been dictated, Shri Rahul Upadhyay, learned counsel for the applicant contends that the applicant has four year old child who is staying with her in jail.

Learned A.G.A. shall obtain instructions from the jail authorities.

Put up this matter on 24.09.2024 in the list of fresh cases.

Order Date :- 21.9.2024

Ashish Tripathi

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25993 of 2024

Applicant :- Smt. Rekha

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Pursuant to the directions of this Court regarding the status of five years child of the applicant who resides with the applicant the instructions have been furnished to Shri Paritosh Kumar Malviya, learned A.G.A.-I

As per the instructions, the child is attending the creche school in the jail premises. The said school is meant for the children of inmates only.

The education and holistic development of children of inmates who reside in jails cannot be restricted by the confining environment of jails. The legislature and the law are cognizant of the rights of all children specially those who are in need of care and protection. The provisions of Juvenile Justice (Care & Protection of Children) Act, and Right of Children to Free and Compulsory Education Act as well as the fundamental rights vested in children by holdings of Constitutional Courts have to be implemented regardless of the environment in which the children are situated.

Shri Ashok Mehta, learned Additional Solicitor General of India is requested to appear in the matter.

Principal Secretary, Department of Women & Child Development, Government of U.P., Principal Secretary (Prisons), Government of U.P., and Director General (Prisons), Government of U.P. Lucknow, shall file their respective affidavits regarding the steps taken by the State for realization of the rights of the above category of children under the Constitution and Juvenile Justice (Care & Protection of Children) Act, and Right of Children to Free and Compulsory Education Act and as per law.

Considering both the gravity and the urgency of the matter, in case the affidavits are not filed, the Principal Secretary, Department of Women & Child Development, Government of U.P., Principal Secretary (Prisons), Government of U.P., and Director General (Prisons), Government of U.P. Lucknow shall appear in person.

Members of the Bar are requested to attend the Court in the matter related to the rights of the children who are residing in jail with their parents.

A copy of the order to be sent to the President of the Allahabad High Court Bar to intimate the Bar members.

Put up on 01.10.2024 as fresh at 10:00 AM for further dictation.

The matter has been heard in part and part of the judgment has already been dictated.

Order Date :- 24.9.2024

Jaswant

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25993 of 2024

Applicant :- Smt. Rekha

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Upadhyay

Counsel for Opposite Party :- G.A.,R.P.S. Chauhan

Hon'ble Ajay Bhanot,J.

A number of inmates' children reside in prisons with them throughout the State of U.P. This is borne out of the affidavit filed by the Director General (Prisons) Government of U.P. as well as Principal Secretary (Women and Child Development) Government of U.P.

Shri Ashok Mehta, learned Additional Advocate General assisted by Shri Paritosh Kumar Malviya, learned AGA-I submits that the State Government is committed to the welfare of the children who are residing in jail with their inmates parents.

The State Government according to the learned Additional Advocate General, is prepared to formulate a scheme for admitting the said category of children in regular schools and providing other support systems as are given to children in various CCIs.

Various arguments on the merits of the case have been heard.

The submissions made by Shri Shri Ashok Mehta, learned

Additional Advocate General on behalf of the State as regards the education, welfare, holistic environment for growth, development of a strong moral fabric and ethical framework in the children of jail inmates who reside in the jails have also been advanced.

The competent verticals/departments of the State including Principal Secretary, Department of Women & Child Development, Government of U.P., Principal Secretary (Prisons), Government of U.P., and Director General (Prisons), Government of U.P. Lucknow, shall formulate a final policy in this regard.

The matter is posted for dictation of judgement on 24.10.2024 in the list of fresh cases. In the meantime the State to file detailed affidavit regarding the policy of the Government to send the said category of children to regular schools when they reside with their parents who are inmates in jail.

Order Date :- 1.10.2024

Dhananjai

Court No. - 6

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25993 of 2024

Applicant :- Smt. Rekha

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Upadhyay

Counsel for Opposite Party :- G.A.,R.P.S. Chauhan

Hon'ble Ajay Bhanot,J.

The judgement could not be dictated fully due to paucity of time.

The matter is posted for final dictation of judgement on 20.11.2024 in the list of fresh cases.

Order Date :- 24.10.2024

Vandit