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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16367 of 2017

K.R.Raja .. Petitioner

Vs.

1. The State of Tamil Nadu, Represented by,
   The Home Secretary,
   Prison Department,
   Secretariat, Fort St. George,
   Chennai – 600 009.

2. The Additional Director General of Police/
   The Inspector General of Prisons,
   CMDA Tower – II, No.1,
   Gandhi Irwin Road,
   Chennai – 600 008. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take necessary steps to set up minimum one Open Air Prison in each district of Tamil Nadu in order to abide the direction of Hon'ble Supreme Court of India in Ramamurthy Vs. State of Karnataka reported in (1997) 2 Supreme Court Cases 642 within the time stipulated by this Court.

For petitioner : Mr.R.Alagumani
For respondents : Mr.M.Govindan
Special Government Pleader

O R D E R

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[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition in *pro bono publico* to direct the respondents to take measures to set up one Open Air Prison in each Districts across the State, in the interest of the prisoners.

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2. The petitioner, in his affidavit filed in support of the writ petition, contended that the Open Air Prison is working on the principal of self-discipline and innate sense of responsibility. According to the petitioner, the Open Air Prisons are minimum devices for the inmates for rehabilitation in society, after their release from the prison. The petitioner, taking inspiration from the judgment in ***Ramamurthy Vs. State of Karnataka reported in (1997) 2 Supreme Court Cases 642***, contended that the Hon'ble Supreme Court has made string of recommendations to the State Governments for constitution of Open Air Prisons, atleast one in each District. Since efforts were not taken by the State of Tamil Nadu for establishment of Open Air Prison except in the District of Sivagangai and Singanallur in Coimbatore District, the petitioner has come up with this writ petition.

3. We have heard the learned Counsel for the petitioner. We have also heard the learned Special Government Pleader for the respondents.

4. The Hon'ble Supreme Court, in ***Ramamurthy Vs. State of Karnataka reported in (1997) 2 Supreme Court Cases 642,*** considered various issues faced by the prisoners and suggested various measures to improve their living conditions. The Hon'ble Supreme Court, by taking inspiration from the earlier judgment in ***Charles Sobraj V. Superintendent Central Jail, Tihar, (1978) 4 SCC 104, Sunit Batra*** case made several recommendations to the State to protect the interest of the prisoners. The Hon'ble Supreme Court recommended measures for streamlining the Jail visit and creation of Open Air Prisons. The Hon'ble Supreme Court in ***Ramamurthy*** cited supra called upon the State to consider the feasibility of opening Open Air Prisons, atleast one in each District Headquarters in every State.

5. It is true that the State of Tamil Nadu opened two Open Air Prisons at Sivagangai District and Singanallur in Coimbatore District. It is also true that there are problems for establishing Open Air Prisons in every District. The experience in the other States by opening Open Air Prisons showed that the system is working well. The prisoners worked with the spirit of dedication and they contribute their labour and earn money.

6. The State has to consider this issue in larger perceptive and more particularly, taking into account the direction given by the Hon'ble Supreme Court in ***Ramamurthy.***

7. We therefore issue a Writ in the nature of a Writ of Mandamus directing the first respondent to consider the representation submitted by the petitioner for opening Open Air Prison in every District Quarters, in the light of the Judgment in ***Ramamurthy.*** We hope that a decision would be taken by the

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Government as expeditiously as possible, in the matter.

8. The Writ Petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1. The Home Secretary,
   State of Tamil Nadu,
   Prison Department,
   Secretariat, Fort St. George,
   Chennai – 600 009.

2. The Additional Director General of Police/
   The Inspector General of Prisons,
   CMDA Tower – II, No.1,
   Gandhi Irwin Road,
   Chennai – 600 008.

+ 1 CC TO Mr.R.ALAGUMANI, ADVOCATE IN SR No. 78926
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79032

KM/SSL
TE/JC/SAR-II : 12/10/2017 : 3P/5C

ORDER MADE IN
W.P.(MD)No.16367 of 2017
13.09.2017

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