



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2168 of 2016

Peoples' Watch,
Represented by its Executive Director,
Henri Tiphagne, No.6, Vallabai Road,
Chokkikulam, Madurai 625 002.

.. Petitioner

Vs.

1. The Home Secretary,
Home Department,
Secretariat, St.George.Fort,
Chennai 600 009.

2. The Additional Director General of Police [Prisons],
Tamil Nadu Prison Department,
Chennai Metropolitan Development Authority Tower II,
No.1, Gandhi Irwin Road, Egmore,
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 appoint trained and skilled Non-Official Members to Prisons/Jails as per Rule 338 of the Tamil Nadu Prison Rules, 1983, for visiting each of the Central Jails, the District Jails and Sub-Jails to address the grievance of the Prisoners and helping the Prison Administration in the development of correctional administration in the Prisons based on the petitioner's representation dated 02.12.2015 within a stipulated time.

For petitioner
For respondents

: Mr.R.Karunanithi
: Mr.M.Govindan
Special Government Pleader

O R D E R

[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 appoint trained and skilled Non-Official Members to Prisons/Jails as per Rule 338 of the Tamil Nadu Prison Rules, 1983.



"The Additional Director General of Police/ the Inspector General of Police(Prisons), as per proceedings dated 01.01.2014 and 14.07.2016 requested the Government to issue necessary orders for appointing Non-Official members to the Central Prison-1, Puzhal, Central Prison Palayamkottai, Coimbatore, Cuddalore and Vellore, to the Advisory Board for considering the premature release of prisoners recommended by the District Collector.

2. The Government in their D.O.letter No.1636/Pri-IV/2014, Home (Pri-IV) Department, dated 24.10.2016 have requested the Additional Director General of Police/ Inspector General of Police(Prisons) to send a full fledged proposal with the list of persons to be nominated as Non-Official members of the Advisory Board in each of the Central Prison and Special Prisons for Women, in the State, as per Rule 338 of Tamil Nadu Prison Rules 1983.

3. The Additional Director General of Police/The Inspector General of Police(Prisons), pursuant to the Government letter, dated 24.10.2016, made recommendations for appointment of Non-Official members in each of the Central Prison and Special Prison. Since follow up action was not taken by the Government for making appointment, the petitioner filed this Writ Petition.

4. This Court, taking into account the contention taken by the petitioner and the statutory position requiring appointment of Non- Official members to the Advisory Board under Rule 338 of Tamil Nadu Prisons Rules 1983, directed the Government to file the action taken report. The order was passed on 29.01.2016. It is the grievance of the petitioner that notwithstanding the specific direction given by this Court, there was no response from the Home Department.

5. When a query was posed as to whether the Government has taken any decision, pursuant to the recommendations of the Additional Director General of Police/ the Inspector General of Police(Prisons), the learned Special Government Pleader submitted that the Government is still seized of the matter.

6. We direct the Principal Secretary, Home Department, Government of Tamil Nadu, to pass appropriate orders, taking into account the directions given by the Additional Director General of Police/ the Inspector General of Police(Prisons), positively by 01-August-2017 and produce a copy of the



order before this Court, failing which, he shall appear before this Court in person on 03.08.2017.

Post on 01.08.2017".

3. When the Writ Petition came up for hearing, on 01.08.2017, we passed the following order:-

"3. When the Writ Petition was taken up for hearing today, the learned Special Government Pleader submitted that the Government is seized of the matter and appropriate orders would be passed in due course. Since it was a time bound order and the matter has been pending before the Government right from the year 2014, the Government was expected to pass orders before the stipulated period. We have already indicated that in the event of failure to pass orders, the Principal Secretary, Home Department, shall appear before us on 03 August, 2017. Now that the respondents had not passed orders pursuant to the direction and kept the matter pending, let the Principal Secretary, Home Department, appear before us along with the records on 03 August, 2017, as indicated in our earlier order, dated 11 July, 2017.

4. Subsequently, at 05.00 p.m., the learned Special Government Pleader produced a copy of the order in G.O.Ms.No.613, Home (Prison IV) Department, dated 01 August, 2017, in and by which, Advisory Boards were constituted in respect of the Central Prison-I, Puzhal, Central Prison, Vellore, Cuddalore, Trichirappalli, Madurai, Palayamkottai, Salem and Coimbatore and Special Prison for Women, Puzhal, Vellore, Trichirappalli, Madurai and Coimbatore. The order is dated 01 August, 2017. Since the first respondent has constituted the Committee pursuant to our order, dated 11 July, 2017, we recall the direction regarding the appearance of the Principal Secretary, Home Department on 03 August, 2017.

5. Post the Writ Petition on 02 August, 2017".

4. The Writ Petition is on board today. We have perused the Government Order in G.O.Ms.No.613, Home [Prison IV] Department, dated 01.08.2017, appointing Non-Official Members as Advisory Committee Members of the Central Prisons at Puzhal, Vellore, Trichirappalli, Madurai, Palayamkottai, Salem, Coimbatore and Special Prison for Women, at Puzhal, Vellore, Trichirappalli, Madurai and Coimbatore.



5. In view of the compliance of the direction given by this Court, nothing survives for adjudication in this Writ Petition. We hope that the Government henceforth would not expect direction from the Court for constitution of Committees for Jails, which is a mandatory requirement under the statute.

6. The Writ Petition is disposed of, with the above observation. No costs.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
Home Department,
Secretariat,
Chennai 600 009.
2. The Additional Director General of Police [Prisons],
Tamil Nadu Prison Department,
Chennai Metropolitan Development Authority Tower II,
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

+1cc to Mr.R.Karunanithi, Advocate SR.No.69536

+1cc to The Spl.Government Pleader Sr.No.70267

NB

VB/SKN/SAR1/24.08.2017/4P/5C

**ORDER MADE IN
W.P. (MD) No.2168 of 2016
02.08.2017**