



W.P.No.31526 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

W.P.No.31526 of 2024

Sujatha

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Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The Director General of Police &
Director General of Prisons and Correctional Service,
Whannels Road, Egmore,
Chennai 600 008.
3. The Superintendent of Prison,
Central Prison-2,
Puzhal, Chennai 600 066

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Respondents



W.P.No.31526 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to consider and decide the representation of the petitioner dated 29.09.2024 on merits and in accordance with law within a reasonable time as may be fixed by the Court.

For Petitioner : Mr. M. Radhakrishnan
for Mr. Pugalenth

For Respondents : Mr. R. Muniyapparaj,
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The writ of mandamus has been instituted to direct the respondents to decide the representation submitted by the petitioner on 29.09.2024.

2. The writ petitioner is the wife of convict prisoner, Mr.Vigneshwarperumal, S/o. Madasamy. The petitioner raised several allegations against the prison administration including engaging the prisoners and prison warders for household works by the higher authorities of prison. On account of the deployment of uniformed personnel for household work in the residences of the



W.P.No.31526 of 2024

higher authorities, the prison administration suffered, which resulted in improper maintenance of prisoners inside the prison across the State of Tamil Nadu.

3. Some of the complaints made are that proper food has not been provided, prison was overcrowded and no steps are taken to provide suitable relief to the prisoners inside the prison as per the rules. Inconvenient and unhygienic situations causing the risk of infections amongst the prisoners are also the concerns raised by the petitioner in the present writ petition. Importantly, as per clause 4.02 of the Prison Manual, there should be one guard for every six prisoners. In the Central Prison-2 at Chennai, 203 Prison Warders should be working including those currently suspended. These Warders are required to operate in three shifts, with 60 Warders per shift. However, in reality, only 15 Warders are deployed per shift. The remaining guards are assigned to work at the residences of the Chief Prison Officers, including the DGP, IG, DIG, SP, Ad.SP and three Jailors.

4. In view of the serious allegations raised against the prison administration, this Court directed the Government to look into the matter and initiate all appropriate actions. The Government considering the gravity of the allegations



W.P.No.31526 of 2024

and to maintain jail administration intact and in accordance with the rules, issued G.O.Ms.No.642 Home (Prison-2) Department dated 22.11.2024. The Director General of Police and Head of Police Force , Chennai had issued a memorandum to the Inspector General of Police, CBCID and Intelligence on 14.12.2024 to conduct an elaborate enquiry about the prison authorities, who have engaged the uniformed personnel/public servants for their residential works or personal works, in all the Prisons across the State.

5. In view of the Government Order and the consequential instructions issued by the DGP, this Court granted time to conduct an enquiry by the CBCID and the Intelligence.

6. After conducting an enquiry, status report has been filed on behalf of the first responent/Additional Chief Secretary to Government, Home, Prohibition & Excise Department dated 30.01.2025. The comprehensive report filed by the Government reveals that elaborate enquiry was conducted by the CBCID and Intelllignce and the irregularities, illegalities found in prison departments are addressed and measures are taken to correct all such illegalities and irregularities.



W.P.No.31526 of 2024

7. The report filed by the Government states that presently, no prison warders are engaged to attend the household works/personal works of the officials attached to the prison department. It will be relevant to extract para 9 of the status report, which reads as follows :

" 9. It is respectfully submitted that, during the course of enquiry, the DSPS/AEOs have thoroughly enquired the allegations by visiting the respective Central Prisons, perusing the connected records and examining the witnesses. After completion of the enquiry, each DSP/AEO has submitted his/her report and the reports are enclosed.

i. Tr. M. Prabhu, DSP, OCU-I, CB CID, Chennai has visited the Central Prisons-I & II, Special Prison for Women, Puzhal, Redhills, Chennai, examined witnesses, recorded their statements and collected relevant records. In his enquiry report, he has concluded that "The detailed enquiry conducted by CB CID has revealed that the warders were deputed for duties on three shifts inside the prison at various points. Based on the statements of Jail Warders and Prison authorities, no guards or uniformed personnel are deployed to work at the residences of prison authorities including the DGP, IG, DIG, SP, Addl. SP and three Jailors".

ii. Tr. B. Suresh Pandian, DSP, CB CID has visited the Vellore Central Prison, Special Prison for Women, Vellore, Central Prison Cuddalore and conducted an enquiry, submitted his report, referring



an incidence which runs as follows:

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"The open as well as confidential enquiry reveals that Tmt. R. Rajalakshmi, Deputy Inspector General of Prison, Vellore Range and Tr.A.S. Abdul Rahman, Additional Superintendent of Prison, i/c. Superintendent of Prison, Central Prison, Vellore cum additional Charge of Special Prison for Women, Vellore during their tenure between June 2023 and October 2024 had engaged the trained Prison Warders to perform and entrusted them their household task/domestic task and personal works. Subsequent to the transfer and suspension of the above two higher officials, the Prison Warders those who were engaged in domestic work were returned to their day-to-day official work to their respective works". The Enquiry Officer Tr. Suresh Pandian has reported that, presently the Prison Warders are not engaged to attending the personal works or household affairs of any of the prison officials, residing at Vellore and Cuddalore ranges.

iii. Tr. R. Madhan, DSP, OCU, CB CID, Trichy, conducted enquiry, in Trichy and Pudukottai and it is revealed that Warders and Convicts were not utilised in the residence of Senior Prison authorities of Central Prisons and Special Prison for women, Trichy and Borstal School, Pudukottai. The convict gangs are marched by the jail personnel for fatigue duty around the residential area of Senior jail authorities. Subsequent to the orders of the Hon'ble High



Court, the said Warders and Convicts were strictly not deployed in the residential areas. In this regard, at present, there is no evidence against the orderly system practices in the above mentioned Central Prisons.

iv. Tr. Vinodh, DSP, OCU, CB CID, Salem City has conducted enquiry in respect of Salem and Coimbatore. According to him, that from the unannounced visit to the residences of Tr. Shanmugasundaram, Deputy Inspector General, Central Prisons, Coimbatore; Tr. M. Senthilkumar, Superintendent of Central Prisons, Coimbatore; Tr. G. Vinoth, Additional Superintendent of Salem Central Prison; and Mrs. Dharani, Deputy Jailor, Women's Sub Jail, Coimbatore and from the examination of the records of the aforementioned prisons; and from the interrogation of the prison personnel and also from the discreet inquiry, it is found that none of the aforementioned prison officers used prison personnel as orderlies for personal work at their residences.

v. In respect of Madurai and Palayamkottai Central Prisons of Men and Women, Tmt. R. Nivetha Lakshmi DSP, CB CID, CC Wing. Madurai, had conducted an enquiry and furnished her report. It revealed that she has visited the Central Prison, Madurai on 24.12.2024 to conduct enquiry and perused the duty roster for the month of November 2024. A total strength of 30 which consists of 1 Jailor, 1 Deputy Jailors, 3 Assistant Jailors, 5 Chief Head Warders, 3 Head Warders and 17 Grade-II Warders were present. 3 Warders have been enquired. Based on the available records and the enquiry



W.P.No.31526 of 2024

conducted at the Prison, it has been noted that no uniformed personnel / public servant have been engaged by the Prison authorities for residential work or personal work as on date.

10. It is respectfully submitted that the ADSP/CB CID, Headquarters conducted a personal enquiry and ascertained certain facts. During the course of enquiry, he visited the Prison Headquarters at Egmore, Chennai and examined Tr. Kanagaraj, Inspector General of Prisons (Headquarters) and Tr. Murugesan, DIG/Prisons. Both the officers informed that the orderly system has been entirely eradicated in the Prison Department in compliance with the orders of the Hon'ble High Court of Madras in W.P. No.31526/2024. Further, they also assured that the issue of engaging prison staff as orderlies to attend the personal works of the officers are being strictly monitored and if any violation of any kind is found, severe action will be taken against the erring officers. Further, during the course of the enquiry, the D.I.G. (Prisons) handed over a copy of his undertaking dated 26.11.2024 filed before the Director General of Prisons & Correctional Services to that effect.

11. It is respectfully submitted that the conclusion and findings of the above said enquiry are furnished below:-

i. Tr. Suresh Pandian, AEO/DSP in his report has referred an incident of Prison officials harassing a Convict and the resulting registration of a case in CBCID Vellore Cr.No.01/2024, u/s. 49,



115(2), 118 (2), 127(8), 146 of the Bharatiya Nyaya Sanhita, 2023 against Tmt. R. Rajalakshmi, (D.I.G.), Vellore Range, Tr. A.S Abdul Rahman, Addl. S.P. (Prison) in-charge S.P., Central Prison, Vellore and 10 others. This case is under investigation. However, Tr. Suresh Pandian categorically stated in his report that the confidential enquiry with reliable sources revealed that Grade-I and II warders of Prison were not engaged in household task and domestic work or any other personal work of DIG of Prison, Vellore and Addl. S.P. in-charge Central Prison, since Oct' 2024.

ii. All the other four of AEOS/DSPs have also claimed in their reports that no evidence could be gathered from the statement of witnesses and from the records collected are not indicated anything adverse to the allegations that at present, the uniformed personnel (Prison Dept.)/Prison Warders are being engaged for their personal and household works by Senior officials of Prison Department.

iii. It also ascertained during enquiry that way back in the year 1979, the Government had issued an order in G.O. (Ms.) 2231, Home (Police) Department, dated 05.09.1979 for the abolition of orderly system in Police Department. Subsequently on the Orders of Hon'ble High Court, dated 14.06.2022 in W.P. No.2627/2014, the Government has directed the Director General of Police, HoPF, Tamil Nadu, in its Letter No.37131, dated 16.06.2022 to strictly follow the instructions given in the said Writ Petition.

iv. A thorough enquiry was conducted into the allegations that



W.P.No.31526 of 2024

the officials of Prison Department who have allegedly engaged uniformed personnel/public servant for their residential work or personal work in the Prisons across the State and found that presently, no Prison Warders are engaging to attend the household works/personal works of the officials attached to the Prison Department. "

8. The swift action taken by the Government to eradicate the colonial practices, engaging public servants for household works, is appreciated and such practice at no circumstances be allowed to continue in future. Public servants are employed to serve for the public and to maintain public administration. Government is spending huge amount by way of salary and for providing training to the public servants, more specifically, uniformed personnel in the State. Therefore, the uniformed personnel/public servants and their services are to be utilized only in the interest of the public and the officials at no circumstances to be permitted to utilise the services of those public servants for their personal needs or to perform household works.

9. Since the Government responded immediately and actions are taken promptly, the learned Additional Public Prosecutor, Mr.R.Muniyapparaj would



W.P.No.31526 of 2024

submit that presently, no prisoner or public servant/uniformed personnel is deployed or engaged to perform household works in any of the higher officials of the prison department or elsewhere.

10. The said position is to be ensured in Police Department also by the Government. Such colonial practices would harm the public administration and thus, in the event of receiving any such information or complaint, the Government and the Head of the Department must act immediately and initiate all necessary actions against the persons, who have involved in such misconduct offences, illegalities, etc.

11. With the above observations, this Habeas Corpus Petition stands disposed of.

[S.M.S., J.]

[M.J.R., J.]

30.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



W.P.No.31526 of 2024

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M.JOTHIRAMAN, J.

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W.P.No.31526 of 2024

W.P.No.31526 of 2024

30.01.2025