

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI**

Friday, the 1st day of August 2025 / 10th Sravana, 1947

WP(C) NO. 36780 OF 2017(S)

SUO MOTU PROCEEDINGS INITIATED AS PER THE

DIRECTION OF THE HONOURABLE SUPREME COURT OF INDIA

VIDE ITS JUDGMENT DATED 15/9/2017 IN WPC 406/2013

TITLED AS "RE-INHUMAN CONDITIONS IN 1382 PRISONS".

RESPONDENTS:

1. THE STATE OF KERALA, REP. BY THE CHIEF SECRETARY TO GOVERNMENT, THIRUVANANTHAPURAM - 695 001.
2. THE STATE OF KERALA, REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. THE STATE OF KERALA, REP. BY ITS SPECIAL SECRETARY, DEPARTMENT OF SOCIAL JUSTICE, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
4. THE DGP AND STATE POLICE CHIEF, STATE POLICE HEADQUARTERS, VELLAYAMBALAM, THIRUVANANTHAPURAM - 695 010.
5. DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL SERVICES, PRISONS HEADQUARTERS, POOJAPPURA, THIRUVANANTHAPURAM - 695 012.
6. THE DIRECTOR, SOCIAL JUSTICE DEPARTMENT, VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 033.

ADDITIONAL R7 IMPEADED

7. SANDHYA. J, D/O SIVAKAMI AMMA, AGED 46 YEARS, P-14, PALAYAM POLICE QUARTERS, VIKAS BHAVAN PO, THIRUVANANTHAPURAM.
ADDL.R7 IMPEADED AS PER ORDER DATED 20/03/2018 IN IA 3974/2018 IN WP(C) 36780/2014.

ADDITIONAL R8 & R9 IMPEADED

8. THE KERALA STATE LEGAL SERVICES AUTHORITY,
NIYAMA SAHAYA BHAVAN, HIGH COURT ROAD COMPOUND,
KOCHI – 682 031.
9. THE NATIONAL HUMAN RIGHTS COMMISSION,
GPO COMPLEX, MANAV ADHIKAR BHAWAN, C-BLOCK,
INA, NEW DELHI – 110 023.
ADDL.R8 & R9 ARE IMPEADED AS PER ORDER DATED 27/11/2024
IN WP(C) 36780/2017

P.T.O.

This Suo motu writ petition coming again on for orders upon perusing the petition, this Court's order dated 17/07/2025 and upon hearing the arguments of SRI.T.A.SHAJI, DIRECTOR GENERAL OF PROSECUTION & SRI.P.NARAYANAN, SENIOR PUBLIC PROSECUTOR for R1 to R6, M/S. NARAYANAN E, PREETHA K.K & SMRUTHI SASIDHARAN, Advocates for R7, M/S. ASHOK SHENOY B, P.S.GIREESH, ARJUN R NAIK, UMASANKER U.U & ADITYA A. SHENOY, Advocates for R8, SRI.K.RAMAKUMAR, SENIOR ADVOCATE a/w M/S. RAMPRASAD UNNI T., S.M.PRASANTH, SHEHIN S. & DEVIKA S., Advocates for R9 and of SRI. SANTHOSH MATHEW (SENIOR ADVOCATE), AMICUS CURIAE & ADVOCATE SMT. APARNA S., the court passed the following:

P.T.0



NITIN JAMDAR, C.J.

&

BASANT BALAJI, J.

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Dated this the 1st day of August 2025

ORDER

Heard Mr. P. Narayanan, learned Senior Government Pleader, Mr. P.S. Gireesh, learned counsel appearing for Respondent No.8, Ms. Devika S., learned counsel appearing for Respondent No.9, Ms. Aparna S., representing Mr. Santhosh Mathew, learned Amicus Curiae. At our request, Mr. Bhagwanth Sinha, the Additional Chief Secretary and Mr. Balram Kumar Upadhyaya, the Director General of Prisons and Correctional Services, have appeared online to assist the Court.

2. The Additional Chief Secretary submits that the issue is being dealt with at two levels. That is a long term solution and the immediate steps that have to be taken.

3. Regarding the long term solution, the Secretary submits that a software is being developed to create and efficiently maintain the database of legal heirs. He states that approximately two months will be required for the development of the software and the creation of the database. He further submits that, in the meantime, instructions have been issued to the District Collectors of 14 districts, and the process of

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collecting the remaining information regarding the legal heirs is underway.

4. The Director General of Prisons and Correctional Services submits that they are following the directions issued by the State Government.

5. In view of this cause of action committed by the Additional Chief Secretary, we are inclined to grant two months time. Post the matter on 6 October 2025.

6. A report detailing the steps taken during this period, including the development of the software and the collection of the database, shall be placed on record in advance before the next date of hearing.

7. Learned Amicus Curiae submits that the appointment of a Nodal Officer would facilitate the process of data collection. The Additional Chief Secretary states that the suggestion made by the learned Amicus Curiae is useful and a Nodal Officer will be appointed to facilitate the collection of the data.

Sd/-

NITIN JAMDAR
CHIEF JUSTICE

Sd/-

BASANT BALAJI
JUDGE

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