

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.26774 of 2017, 13930, 15660 and 13931 of 2018

**W.P.No.26774 of 2017**

Suo motu writ petition

Vs

- 1 Government of Tamil Nadu  
rep. by its Chief Secretary  
Secretariat  
Fort St. George Chennai 600 009
- 2 The Principal Secretary to Government  
Home Department  
Secretariat Fort St. George Chennai 600 009
- 3 The Principal Secretary to Government  
Social Welfare Department  
Secretariat Fort St. George  
Chennai 600 009
- 4 The Principal Secretary/Special Commissioner  
Social Defence Department  
Old No.153 New No.300  
Purasawakkam High Road  
Kellys Chennai-10
- 5 The Director General of Police  
Tamilnadu Kamarajar Salai Mylapore  
Chennai-4

- 6 The Additional Director-General of Police (Prisons)  
Egmore, Chennai 600 008
- 7 The Member Secretary  
Tamilnadu State Legal Services Authority  
Chennai 600 104
- 8 The Principal Secretary to Govt.  
Health and Family Welfare Dept.  
Govt.of Tamil Nadu Chennai -10  
(R8 impleaded vide court order  
dt.01.11.2018 by SMKJ and SPJ) ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus for the reasons stated in the accompanying judgment dated 15.9.2017 in W.P.(Civil) No.406 of 2013 titled as Re-Inhuman Conditions in 1382 Prisons it is prayed that this Honourable court may be pleased to issue a writ of Mandamus or any other writ or order or direction in the nature of Writ directing the respondents 1 to 6 to award suitable compensation by identifying the next of kin of the prisoners who have admittedly died an unnatural death as revealed by the National Crime Research Bureau (NCRB) during the period between 2012 and 2015 and even thereafter unless adequate compensation has already been awarded and submit a report of the above compliance before this Honourable court.

For Petitioner : Ms.Vaigai, S.C.  
Amicus Curiae  
in W.P.No.26774 of 2017

For Respondents : Mr.R.Shunmugasundaram  
Advocate General  
Assisted by  
Ms. Shabanam Banu  
Government Advocate

**COMMON ORDER**

(Made by the Hon'ble Chief Justice)

A report has been filed by the Puducherry Legal Services Authority, but unfortunately, no report has been filed by the Tamil Nadu State Legal Services Authority. A copy of this order may immediately be made over to the Executive Chairman of the Tamil Nadu State Legal Services Authority for expeditious action.

2. It is pointed out on behalf of the petitioner that in addition to the several categories that had been indicated for special treatment when the pandemic broke out last year, there is a further category of inmates of the correctional homes, who may also be considered to be let out on parole or the like on a priority basis: women inmates with accompanying child or children.

3. The suggestion is wholeheartedly endorsed and it is imperative that such category of inmates at correctional homes be also picked out for special treatment and allowed to return home or be granted parole or interim bail or the like, to ensure that both the mother and the child remain protected. The other categories of persons, who had been required to be considered to be released

temporarily last year, should also be considered by the relevant High Powered Committees under the aegis of the Legal Services Authority. This requires immediate action and the tenure of release, subject to the opinion of the High Powered Committee and as may be directed by the relevant Courts, should be till July 15, 2021 at least.

4. The orders dated March 11, 2019 and March 26, 2019 passed on the present writ petition pertaining to the improvement of conditions of hygiene and appointment of medical practitioners at correctional homes, be forwarded to the Tamil Nadu State Legal Services Authority and the Puducherry Legal Services Authority, for the High Powered Committees to take immediate action on the basis thereof.

5. List the matter on 27.05.2021.

(S.B., C.J.)

(S.K.R., J.)

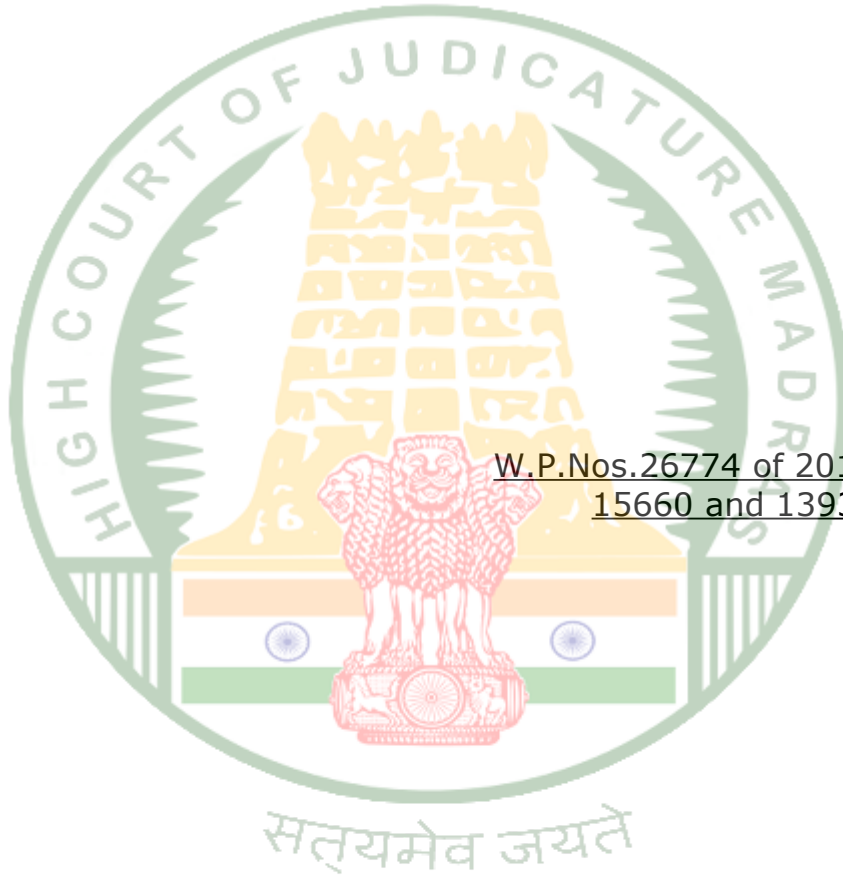
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AND  
SENTHILKUMAR RAMAMOORTHY, J.



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