

W.P(MD)No.2024 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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R.Ramalingam

... Petitioner

Vs.

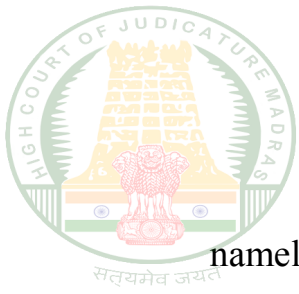
1.The Principal Secretary to Government,
O/o. The Principal Secretary to the Government,
Home (Prison IV) Department,
Secretariat, St.George Fort,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

3.The Superintendent of Police,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant “A” class classification to the petitioner's son



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namely, Ravi, S/o.Ramalingam (LCT No.3316 and PID No.1841) as per Rule 225(i) of Tamil Nadu Prison Rules, 1983 and his good conduct inside the prison on the basis of his education qualification and health condition by considering the representation dated 01.08.2023, 22.11.2024 and 10.01.2025.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The Marxian maxim 'From each according to his ability, to each according to his need' is applied in part by Tamil Nadu Prison Rules, 1983. Rule 228 (7) of the Prison Rules states that the prison tasks shall be assigned with careful regard to the capacity of the prisoners. When it comes to according facilities, prisoners are held eligible for class “A”, if they by social status, education or habit of life have been accustomed to a superior mode of living.



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2. When one Manikandan claimed “A” class facility in Madurai

Central Prison on the ground that during his incarceration, he acquired degree qualification, his request was rejected by the Government. Construing Rule 225, we held that a bare reading of the rule indicates that the acquisition of educational qualification should have preceded the prisoner's conviction / sentence. In other words, by virtue of his education, the prisoner should have already been accustomed to a superior mode of living when he was a free bird. Acquiring qualification in prison cannot be a ground for invoking Rule 225 (1)(i). We do not propose to depart from the said view taken vide order dated 18.11.2024 in W.P.(MD)No.21645 of 2024.

3. The writ petitioner states that his son / Thiru.Ravi who is undergoing life sentence in Central Prison, Palayamkottai is having certain neurological issues. The learned counsel for the petitioner submitted that the prisoner has to be given cot facility for sleeping and permitted to use western toilet. He submitted that such facilities will be available to the petitioner's son only if he is placed under “A” class.



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4.The stand of the respondents is that the petitioner's case does not come under Rule 225 of Tamil Nadu Prison Rules, 1993.

5.We carefully considered the rival contentions. In ***Sunil Batra Vs. Delhi Administration (1978) 4 SCC 494***, the Hon'ble Supreme Court quoted with approval Justice Marshall's saying that a prisoner does not shed his basic constitutional rights at the prison gate. The fundamental rights available to a prisoner would transcend statutory barriers. In the decision reported in ***(2017) 10 SCC 658 (Inhuman conditions in 382 Prison entry)***, it was held that Article 21 of the Constitution of India cannot be put on the back-burner as mentioned in the Mandela Rules even prisoners are entitled to live a life of dignity. The Government cannot shirk its duties and responsibilities for providing better facilities to prisoners. Providing medical assistance and facilities to inmates in prison was directed as right to health is undoubtedly a human right and it should be made a reality for all including prisoners. The Delhi High Court in its decision reported in ***2023 SCC Online Del 8247 (Amandeep Singh Dhall Vs. Directorate of Enforcement)*** held that incarceration does not deprive individuals of their fundamental right to life which



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includes right to appropriate health care. A Prisoner, be he a convict or under trial or a detainee, does not cease to be a human being. Even when lodged in jail, he continues to enjoy all his fundamental rights including the right to life guaranteed to him under the Constitution.

6.The concept of prison justice cannot be confined within a rigid frame work. Its boundaries have to expand. A prisoner cannot be denied access to the minimal facilities required to deal with his physical condition. The condition of his knees may be such that, he cannot use an indian toilet. He may not be able to sleep on the floor. In such cases, it is the duty of the prison authority to make available such facilities. It is not open to the prison head to tell the prisoner that since he does not fulfil the rule requirement, he will not get “A” class facility. That is why, we hold that it is the prisoner's physical/medical condition which will be the governing criteria.

7.We permit the petitioner to submit an appropriate representation to the third respondent. We direct the third respondent to cause physical / medical examination of the prisoner and submit necessary proposal to the



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first respondent through the second respondent. The first respondent will pass an appropriate order on the petitioner's representation in the light of the law laid down herein.

(G.R.S. J.) & (R.P. J.)
30.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The Principal Secretary to Government,
O/o. The Principal Secretary to the Government,
Home (Prison IV) Department,
Secretariat, St.George Fort,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.
- 3.The Superintendent of Police,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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