

Justice S.M.SUBRAMANIAM

**Judge,
High Court,
Madras.**

**Minutes of the Meeting with the Officials of Central Prison, Puzhal held
on 25.07.2023 at 05.00 PM, at the Conference Meeting Hall, Second
Floor of the High Court Heritage Building, Madras :**

Presided over by:

THE HON'BLE THIRU. JUSTICE S.M. SUBRAMANIAM

The following Officials are present:

- 1) Thiru A.Nazir Ahamed, Member Secretary, Tamil Nadu State
Legal Services Authority.**
- 2) Tmt.S.Selva Sundari, Principal District Judge, Thiruvallur District.
[Through Video Conferencing]**
- 3) Tmt.K.Sudha, Secretary/District Judge, High Court Legal Services
Committee.**
- 4) Thiru R.Velaras, Chief Judicial Magistrate, Thiruvallur District.
[Through Video Conferencing]**
- 5) Thiru Amaraesh Pujari, I.P.S., Director General of Police/
Director General of Prisons and Correctional Services, Chennai.**
- 6) Thiru R.Kanagaraj, M.A., M.Phil., Deputy Inspector General
of Prisons (Headquarters), Chennai.**

7) Thiru A.Murugesan, M.A., M.L., M.B.A., Deputy Inspector General of Prisons, Chennai Range, Chennai.

8) Tmt.G.Nikila Nagendran, M.A., Superintendent of Prisons, Central Prison-I, Puzhal, Chennai-600 066.

9) Thiru R.Krishnaraj, B.Sc., Superintendent of Prisons, Central Prison-II, Puzhal, Chennai-600 066.

- - -

The Surprise Inspection was conducted on 08.07.2023 in Puzhal Prison by Hon'ble Mr. Justice S.M.SUBRAMANIAM, the Portfolio Judge for Thiruvallur District along with the Learned Principal District Judge and Learned Chief Judicial Magistrate, Thiruvallur District.

2. In pursuance of the same, a review meeting was convened on 25.07.2023 and the following resolutions are passed:-

(1) Adequate fan facilities are to be provided in the front portion of the Visitors' Hall. The existing Visitors' Hall is over crowded and there are several complaints from the Visitors that they are unable to converse with the prisoners. Since large number of Lawyers and Visitors are utilising the interview facilities with the prisoners, Additional Hall is to be provided or existing Hall is to be expanded to keep conducive atmosphere for the Visitors and Lawyers to meet prisoners.

(2) No Toilet facilities are presently available for women visitors and women lawyers nearby the Visitors Hall. Existing Toilet

facilities provided for male in the Visitors' Hall is most unclean and inadequate. Adequate number of toilets are to be provided for women visitors and women lawyers. Additional toilets are to be provided for male visitors and male lawyers and all the toilets are to be properly cleaned and maintained by the Prison Authorities.

(3) The existing toilet inside the Prison Cells are to be cleaned with Phenyl at least twice in a day, since excess prisoners are lodged in Prison Cells. Additional toilet facilities are to be provided in each Prison Cell for the benefit of the prisoners, which is a basic amenity. The Government may consider and sanction required funds for construction of additional toilets immediately and to arrange supply of Phenyl and other cleaning materials to the prison for the maintenance of Toilets, Kitchens and Common Area in Prison Complex.

(4) Mosquito Nets (Preferably Aluminium or Iron Mosquito Nets) are to be fixed in windows and Doors of Kitchen Halls in all the prisons. Kitchen Floors are found unclean with oily surface and it is to be cleaned properly by using Phenyl and other cleaning materials. Hygiene in prison Kitchen Halls are to be maintained to avoid contamination of food and food products in order to protect the health of the prisoners, which is also a basic requirement.

(5) The existing quality of preparation of food in prisons are to be improvised. Health being fundamental right of a citizen, which is available to the prisoners also.

(6) The Prison Authorities agreed that adequate Milk, Biscuits and Health Drinks etc., will be provided to the children under six years staying along with the women prisoners. The Prison Authorities have to ensure that children do not suffer for want of nutritious food and other facilities and requirements inside the Prison.

(7) The children residing along with their mother inside the Prison must be provided with Play Schools, Toys, Entertainment Area, etc., in order to protect their mental health and well being. Such facilities may be utilised during day time.

(8) The Prison Authorities have agreed to provide locker facilities for the lawyers and visitors in the prison premises.

(9) The Secretary to Government, Department of Health and Family Welfare (Tamil Nadu) and The Director of Medical and Rural Health Services, Government of Tamil Nadu shall ensure supply of medicines to the prisoners without any delay or interruptions. The stock availability of the regular and life saving medicines are to be periodically monitored by the Officials of the Health Department and The Dean, Stanley

Government Hospital is requested to assist the Prison Authorities to maintain the availability of medicines in Prison Hospitals.

(10) The remission marks to be awarded to the convicted prisoners should be granted promptly and punctually as per the Prison Manual.

(11) Usage of Excess Force inside the prison is impermissible under law and it is to be avoided. Necessary actions in consonance with the Prison Manual alone is to permitted and indiscriminate beating up, imposing excess punishments or harassing the prisoners are offences under law. The Prison Authorities are *parens patriae* of the prisoners, who are in their custody for 24x7. Thus, a parental approach is required, while treating and punishing them.

(12) Presently 38 prisoners are languishing in prison for whom Bail had been granted. They are not released from prison for want of production of sureties. As per the judgement of the Apex Court of India, those persons are to be released on furnishing own bond. Necessary steps are to be taken immediately to file modification petitions before the Court concerned for securing necessary orders. Such an action is to be taken through the Legal Services Authority in co-ordination with the Prison Authorities. We request that the said exercise shall be completed within a

period of two (2) weeks from today.

(13) The Legal Services Authority shall collect all the requisite particulars from the Prison Officials and engage Lawyers to file/defend the cases of the prisoners, who all are languishing in prison without any Lawyers to defend their case before Court of Law.

(14) There are complaints that salary due to the prisoners are not being paid properly by the Prison Administration. Timely payment of salary being a right under the Labour Laws, it is to be paid punctually and the competent authorities are expected to ensure the same.

(15) The Prison Authorities, The Member Secretary, Tamil Nadu State Legal Services Authority, learned Principal District Judge and Learned Chief Judicial Magistrate, Thiruvallur District, have agreed to conduct a Special Lok Adalat in Puzhal Prison premises on 26.08.2023 (Saturday), so as to ensure Petty Cases are disposed of. Pre-negotiations in this regard with the prisoners and lawyers are to be conducted by the Prison Authorities in coordination with the Legal Services Authority.

(16) The Foreign Nationals lodged in prison in the state of Tamil Nadu are not permitted to contact their relatives or near and dears. Their relatives are also unable to contact the prisoners since there is no rules in force to grant such permissions. Thus, the Secretary to Government,

Home Department, Government of Tamil Nadu is requested to consider issuance of interim orders pending, framing of regular rules, permitting the prisoners to contact their relatives or near and dears and vice versa, which is the basic right of the prisoner under the Indian Constitution and Laws. The basic right of the prisoners cannot be infringed in this regard.

(17) The Prison Authorities / The Director General of Prisons and Correctional Services agreed to provide one Nodal Officer for each Central Prison in the State of Tamil Nadu for effective co-ordination with the Legal Services Authority and other concerned Department Officials etc., for the purpose of redressing the grievances of the prisoners and to ensure that their rights to defend their cases before the Court of Law are protected.

(18) Prisoners with chronic deceases, extremely sick prisoners with disabilities including visually impaired prisoners may be referred to the Medical Board for assessment of their medical and mental conditions and those prisoners may be considered for premature release under law.

(19) The Prison Authorities have agreed for periodical updating of case status filed through Legal Services Authorities in the e-Prisons module and informations will be provided to the prisoners in the judicial custody.

(20) The respective Commissioners of Police at Chennai,

Tambaram, Avadi are requested for providing necessary escort facilities to the prisoners before 8:00 A.M. enabling the prisoners to get Outpatient (O.P.) Treatment in Government Hospitals before 11:00 A.M. Since O.P. Treatment in Government Hospitals will be closed at 11:00 A.M.

(21) The Dean, Government Stanley Hospital is requested to ensure that the sick prisoners are provided with required medical treatments. The Doctors opinion to admit the prisoner in the Government Hospital is final. Such decision by the Doctors is to be followed by the Officials. Certain serious allegations are brought to our notice that the Escort Policemen are compelling the Doctors and the Nursing Staffs of the Government Hospital, not to admit the prisoners in the Government Hospital. In this regard, the Dean, Government Stanley Hospital is requested to conduct an enquiry and suitable actions are to be initiated to prevent any such incidents. The respective Commissioner of Police, Chennai, Tambaram, Avadi are requested to instruct the Escort Policemen not to interfere with the decisions of the Doctors and the Hospital Authorities in the matter of providing treatment and admission for prisoners in the Hospital. In the event of any excessiveness on the part of the Escort Policemen is to be viewed seriously and appropriate disciplinary proceedings are to be initiated.

(22) The Dean, Government Stanley Hospital, in the event of any such incident of Escort Policemen, shall bring it to the notice of the Police Commissioner concerned to initiate appropriate actions.

(23) The High Court Video Conferencing Rules are in force. Thus, the Registrar General, High Court of Madras is requested to instruct the Judges of the District Judiciary to utilise the Video Conferencing facilities effectively in respect of prisoners lodged in Prisons.

(24) The Government of Tamil Nadu is requested to consider implementation of the scheme for extending 'Conjugal Rights' to the prisoners, which is effectively in force in the State of Punjab and Haryana.

Justice S.M.SUBRAMANIAM

NOTE: The Registry, High Court, Madras is directed to communicate

this copy to the following Authorities, besides the participants/

Officials named above:-

(1) The Registrar General, High Court, Madras.

(2) The Chief Secretary to Government, Secretariat, Fort St. George,

Chennai-600 009.

(3) The Principal Secretary to Government, Home (Prison) Department, Secretariat, Fort St. George, Chennai-600 009.

(4) The Principal Secretary to Government, Health and Family Welfare Department, Secretariat, Fort St. George, Chennai-600 009.

(5) The Law Secretary to Government, Secretariat, Fort St. George, Chennai-600 009.

(6) The Director General of Police (Law and Order), Mylapore, Chennai-600 004..

(7) The Commissioner of Police, Chennai.

(8) The Commissioner of Police, Avadi.

(9) The Commissioner of Police, Tambaram.

(10) The District Collector, Chennai.

(11) The District Collector, Thiruvallur.

(12) The District Collector, Kancheepuram.

(13) The District Collector, Chengalpattu.

(14) The Director, Medical and Rural Health Services, DMS Complex, Chennai.

(15) The Dean, Stanley Medical College and Hospital, Chennai.