

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

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
and W.M.P.No.13098 of 2021

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.

and batch cases.

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
Mr.Baratha Chakravarthy,
Public Prosecutor, Puducherry

Mr.Arun Kasi,
Intervenor

Mr.R.Alagumani,
Intervenor

COMMON ORDER

(Made by the Hon'ble Chief Justice)

A report dated June 1, 2021 has been filed detailing the action taken in correctional homes all over the State to deal with the pandemic and prevent the further spread of the disease.

2. The report reveals that in view of the measures taken by the State Legal Services Authorities with the High Powered Committees, the occupation at the correctional homes stands at 58.72% as far as this State is concerned with 13,854 inmates out of a total capacity of 23,592. An earlier report relating to Puducherry also indicated that there was not much overcrowding and the correctional home in Karaikal is not functional, while the correctional homes at Yanam and Mahe are functional, but there are no inmates.

3. The present report refers to the vaccination drive undertaken. Learned amicus points out that a large number of the staff were infected and vaccination for both the inmates and the staff at the correctional homes should be taken up on a priority basis.

4. The State is requested to ensure that the inmates at the

correctional homes and the staff thereat are considered as front-line personnel and administered vaccine on a priority basis.

5. Other measures pertaining to Covid protocol, hygiene and the like appear to have been taken. The report also speaks of distancing norms being maintained, particularly in the light of occupancy rate having fallen to below 60% of the capacity.

6. It is hoped that in the event there is any further surge, the High Powered Committee under the aegis of the Legal Services Authorities would immediately take urgent measures without waiting for further directions from the Court so that the matter is dealt with at the earliest. This is imperative since there is always a lag behind a policy decision being taken and the same being implemented after obtaining a judicial order.

7. The matter will appear on July 1, 2021 for further hearing.

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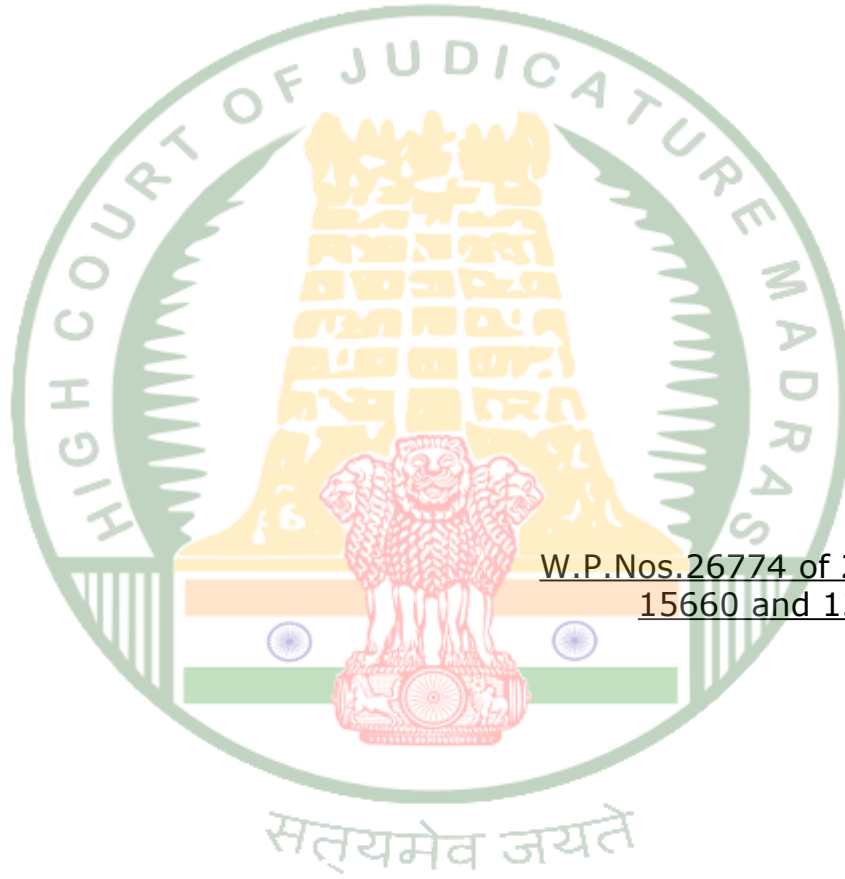
(S.B., CJ.) (S.K.R., J.)
03.06.2021

sasi

W.P.Nos.26774 of 2017 etc.

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)



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