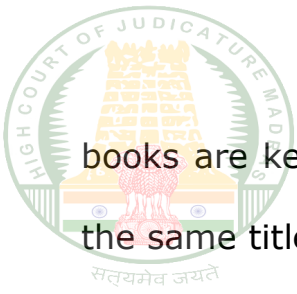
**W.P(MD)No.27463 of 2022****R.MAHADEVAN, J.****and** व जयते**J.SATHYA NARAYANA PRASAD, J.****ORDER****(Order of the Court was made by R.MAHADEVAN, J.)**

A practicing Advocate in the Madurai Bench has filed this Public Interest Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to maintain library with sufficient number of books and other infrastructures in every Central Prison, Special Prison for Women, District Jail, Borstal School, Open Air Prison, Juvenile home, Sub-Jails for Men and Women in Southern Parts of Tamil Nadu; to maintain a digital library with necessary infrastructure in every Central Prison, Special Prison for Women, District Jail, Borstal school, Open Air Prison, Juvenile home, Sub-Jails for Men and Women in Southern Parts of Tamil Nadu; to appoint a qualified librarian in every Central Prison, Special Prison for Women, District Jail, Borstal school, Open Air Prison, Juvenile home, Sub-Jails for Men and Women in Southern Parts of Tamil Nadu and to ensure access to every prisoner including Convict Prisoner, Remand Prisoner, Under-Trial Prisoner and Preventive Detention prisoners in every Central Prison, Special Prison for Women, District Jail, Borstal school, Open Air Prison, Juvenile home, Sub-Jails for Men and Women in the districts of southern parts of Tamil Nadu within a time frame.



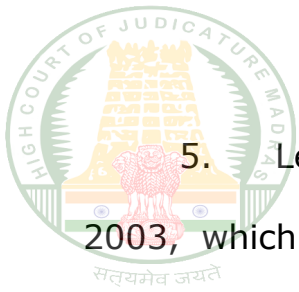
2. Learned counsel for the petitioner submitted that prison is the place where all the offenders are kept. The empty mind is the devil's workshop. If the prisoners are fully occupied, then they will never have time to think of their previous life or time to discuss with others. During day time, though the prisoners are engaged in the works, in the night time, they think of their family and the mistakes they have done which will make them asleep or become depressed. To avoid it, most of them will spend their night by reading books. The Information is the major resource of knowledge. The prison library which is an information provider plays vital role in providing treatment and care for the diseased mind.

3. Learned counsel further submitted that "He who opens a library, closes a prison". This adage paraphrases Victor Hugo's famous quote, "He who opens a school door, closes a prison". A prisoner may also receive books during Interview or by post subject to censorship and they may keep 3 books at a time. Tamil and English newspapers and magazines are supplied to inculcate reading habit among the prisoners. In every central prison, there is one library with books that can be read in the day time, evenings and can be borrowed and read in the nights by the inmates. In other prisons, there is no separate space for library, but books are borrowed from the district library on loan basis and circulated among the prisoners for reading. The prison libraries lack sufficient infrastructure like, separate buildings and the existing ones do not have proper ventilation or lighting. There are no sufficient racks to stock the books. The



books are kept in bundles tied with twine. Also, there are not enough copies of the same title. If there are 1,500 inmates in a prison, at least half of them would be voracious readers. If a single copy is being borrowed and read by many inmates in the prison, it would get damaged.

4. Learned counsel further submitted that there are 135 prisons under the control of the Prison Department of which, 9 are Central Prisons, 3 are special prisons for women and 103 are sub-jails for men, 10 are sub-jails for women, 4 are special sub-jails for men, and 3 are special sub-jails for women apart from a borstal school, an open-air prison, and a farm jail. National Crime Records Bureau's data shows that the capacity of Prisons in Tamil Nadu is 22792 inmates, while the average number of inmates is 13,969 including 601 women and 112 foreign nationals. A majority of the inmates are under-trials, accounting 56.9% of total inmates. Prisons are meant for people, who are in conflict with law to reform themselves. Prisons are part of legal institutions to provide legal education and socialize the inmates to be law abiding citizens. Libraries in the prisons are the classrooms that would teach the inmates these values. The right of prisoners to access education, including the use of prison library services, is frequently overlooked, or disregarded. Prisoners are rarely part of the educational discourse as they are locked away, often at a distance from the public. Prisoners are subject to discrimination generally and to discrimination in the provision of education specifically.



5. Learned counsel relied on Rule 13.24 of the Model Prison Manual 2003, which states that the following facilities should be provided in prison library:-

"(i) Books in the library should cater to the needs of different educational standards, satisfaction of intellectual needs, and development of knowledge, of the inmates.

(ii) The prison library shall be properly equipped with books, magazines, and newspapers. These shall be issued to the prisoners. Prisoners should be encouraged to develop reading habits.

(iii) A librarian should be employed for the management of books and other reading material. Help of educated prisoners could also be obtained, under the supervision of the librarian, to run the library. The librarian shall arrange for and make available books on various subjects for satisfying the needs of prisoners. The librarian should keep details of books and periodicals available in the library subject/ title wise for use by prisoners and for the information of the Superintendent of Prison.

(iv) Donation of books by N.G.Os. should be encouraged and welcomed. Public and Government schools should be encouraged to adopt the educational programmes being run inside the prison for prisoners."

6. He further submitted that as per Rule 24.88 of the Model Prison Manual, 2003, every institution shall have a separate library and a reading room for women with both recreational and instructional books. Prisoners shall be encouraged to make full use of these facilities. The right for prisoners to have access to a prison library is also reflected in the authoritative frameworks of the

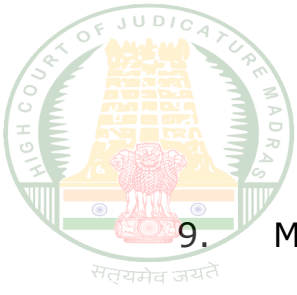


called the Nelson Mandela Rules. It contains 122 rules, one of which specifically calls for the establishment of prison libraries.

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7. It is further submitted that the International Federation of Library Associations and Institutions (IFLA) is the global voice of library and information services. IFLA fosters the work and activities of prison libraries within its section for Library Services to People with Special Needs (LSN). Through this section, an international network of prison librarians has been created, which represents a good opportunity for co-operation, knowledge sharing and mutual support in this special field.

8. Learned counsel further submitted that right to education is envisaged under Article 21 of the Indian Constitution, which is extended to the Prisoners languishing in prisons also. Prison libraries should also provide access to information and communication technology to enable and prepare prisoners to live in an increasingly digital society. Though the petitioner sent a detailed representation dated 02.11.2022 to the respondents to establish and maintain library in every prison including Central Prisons, Special Prison for Women, District Jail, Borstal school, Juvenile home, Sub-Jails for Men and Women, special sub-jails, open Air prisons in Tamil Nadu, no action was taken. Therefore, he sent a reminder representation dated 29.11.2022 to the respondents and finding no heed to it was paid, the petitioner has filed this writ petition.



9. Mr.J.Ashok, learned Additional Government Pleader takes notice for the respondents.

10. Considering the importance of the prayer in this writ petition, we direct the respondents to file a detailed counter affidavit for passing further orders.

11. List the writ petition after four weeks.

[R.M.D.,J.] & [J.S.N.P.,J.]
02.12.2022

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W.P(MD)No.274



R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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W.P(MD)No.27463 of 2022

02.12.2022