

WP(C) NO. 29891 OF 2025



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2025:KER:82711

'CR'

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 3RD DAY OF NOVEMBER 2025 / 12TH KARTHIKA, 1947

WP(C) NO. 29891 OF 2025

PETITIONER:

ROOPESH T.R
AGED 54 YEARS
S/O. RAMACHANDRAN, 'AMI', XVII/183, ETHAPPALLY
ROAD, COCHIN UNIVERSITY P.O., KOCHI-682 022,
PRESENTLY LODGED IN THE CENTRAL PRISON AND
CORRECTIONAL HOME,
VIYYUR AS C-255/24,
THRISSUR, PIN - 680567

BY ADVS.
SHRI.KALEESWARAM RAJ
KUM.THULASI K. RAJ
SMT.APARNA NARAYAN MENON
SMT.CHINNU MARIA ANTONY
SHRI.TARUN PHILIP
SHRI.SARAN DEV P.B.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME AFFAIRS AND PRISONS,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL
SERVICES
PRISON HEADQUARTERS, POOJAPPURA,
THIRUVANANTHAPURAM, PIN - 695012



3 DEPUTY INSPECTOR GENERAL OF PRISONS (CENTRAL ZONE)
VIYYUR,
THRISSUR DISTRICT, KERALA, PIN - 680010

4 SUPERINTENDENT
CENTRAL PRISON, VIYYUR,
THRISSUR DISTRICT, KERALA, PIN - 680010

OTHER PRESENT:

SMT. AMMINIKUTTY, SR.GP.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03.11.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



"CR"

V.G.ARUN,J.

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W.P.(C) No.29891 of 2025

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Dated this the 3rd day of November, 2025

JUDGMENT

The petitioner is undergoing incarceration pursuant to his conviction for offences under the Unlawful Activities (Prevention) Act, 1967 (UAPA for short) and the Indian Penal Code, 1860. Utilising the period gainfully, the petitioner successfully completed Master's program in History from the Indira Gandhi National Open University and is currently pursuing Masters in M.A. Philosophy and M.A.Malayalam. The petitioner has written a book titled '*Bandhitharude Ormakurippukal*' (Memoirs of the Incarcerated) and has applied for permission to publish the book. The Superintendent of the Prison has forwarded petitioner's application and the manuscript of the books along with his recommendation, to the 2nd respondent-Director General of Prisons and Correctional Services. This writ petition is filed aggrieved by the inordinate delay in taking a decision on petitioner's request.



2. Heard, Adv.Kaleeswaram Raj for the petitioner and Senior Government Pleader Smt.Ammunikutty for the State.

3. Learned counsel for the petitioner contended that the Kerala Prisons and Correctional Services (Management) Act, 2010 (for short' the Act'), does not contain any provision prohibiting the publication of literary works of prisoners. On the other hand, clause (a) of Section 36 of the Act guarantees the right to live with human dignity to every prisoner, while clause (f) grants protection against unreasonable discrimination and clause (k) ensures enjoyment of fundamental rights under Part III of the Constitution of India, insofar as they do not become incapable of enjoyment as an incident of conviction and confinement. The right to live with human dignity and enjoy fundamental rights encompasses the right to freedom of thought and expression. Moreover, curtailment of the right militates against the reformative and rehabilitative purposes of the Act. The learned Counsel alleged that the petitioner is being discriminated in the matter of publication of his book, as many other prisoners are granted permission to publish their work.



Relying on the decision of the Apex Court in **State of Maharashtra v. Prabhkar Pandurang Sanzgiri and Another** [AIR 1966 SC 424], it is argued that the rights guaranteed to prisoners include the right to publish their works, if the content is not against national interest and does not contain other deleterious material.

4. According to the learned Government Pleader, the Government is not standing in the way of the petitioner publishing his book. At the same time, the petitioner being guilty of offences under the UAPA, before granting permission, it has to be ascertained whether the contents of the book violate any provisions of the UAPA or contains defamatory, derogatory or sensitive material requiring redaction. Even though UAPA does not expressly prohibit publication of books, in view of the wide definition of 'unlawful activity' under Section 2(o), the contents of the book have to be verified to ensure that they do not promote or incite violence, hatred or disaffection, glorify unlawful ideology or further the objectives of any banned organisation. Therefore, in the petitioner's case, the Government will take a decision after detailed scrutiny of the manuscript, which process will take at least three months.



5. As rightly contended by the learned counsel for the petitioner, the fundamental rights of prisoners are not completely taken away upon conviction. By reason of the conviction, a person is not reduced to a non-person and his rights made subject to the whims of the prison administration. Their enjoyment of fundamental rights under Part III of the Constitution of India is curtailed only to the extent it is rendered incapable of enjoyment as an incident of the conviction and confinement.

6. While on the issue regarding a prisoner's right to publish his literary book, it is essential to bear in mind that thoughts and dreams being internal and intangible, are beyond external control or curtailment. They are the ultimate realm of personal freedom, where imagination and reflection thrive without restriction. This inner sovereignty is a fundamental aspect of human dignity. When abstract thoughts get crystallised and sequenced, they take the shape of words and sentences. While some persons require serene locales to give shape to their thoughts, some may be able to do it in the midst of mayhem and a few within the confines of prison. The assimilated thoughts, when written or printed on paper, lose their



ephemerality and become permanent and examinable. For prisoners like the petitioner, the examination can be stricter, but never an insurmountable obstacle. In this context, the exposition of the Apex Court in **Prabhkar Pandurang Sanzgiri** (supra) assumes relevance. Therein, the petitioner, a detenu under the Defence of India Rules, 1962, had written a book in Marathi titled "*Anucha Antarangaat*" (Inside the Atom), a book purely of scientific interest. The Supreme Court, while repelling the challenge raised by the Government against the permission granted by the High Court to publish the book, held as under;

"In this case, as we have said earlier, we are only concerned with the question whether the restriction imposed on the personal liberty of the first respondent is in terms of the relevant provisions of the Defence of India Rules. Here, the first respondent's liberty is restricted under the Defence of India Rule's subject to conditions determined in the manner prescribed in sub-rule (4) of Rule 30 thereof. We find it difficult to accept the argument that the Bombay Conditions of Detention Order, 1951, which lays down the conditions regulating the restrictions on the liberty of a detenu, conferred only certain privileges on the detenu. If this argument were to be accepted, it would mean that the detenu could be starved to death, if there was no condition providing for giving food



to the detenu. In the matter of liberty of a subject such a construction shall not be given to the said rules and regulations, unless for compelling reasons. We, therefore, hold that the said conditions regulating the restrictions on the personal liberty of a detenu are not privileges conferred on him, but are the conditions subject to which his liberty can be restricted. As there is no condition in the Bombay Conditions of Detention Order, 1951, prohibiting a detenu from writing a book or sending it for publication, the State of Maharashtra infringed the personal liberty of the first respondent in derogation of the law whereunder he is detained."

7. Pertinently, the Kerala Prisons and Correctional Services (Management) Act or the corresponding Rules also do not contain any provision empowering the prison authorities or the Government to interdict a prisoner from publishing his literary work. On the other hand, as per Rule 254 of the Kerala Prisons and Correctional Services (Management) Rules, 2014, the Superintendent can permit prisoners to read till 9 pm or till such time the Superintendent deems appropriate. The prisoners are also permitted to write down excerpts from books or newspapers. The above measures are intended to further the corrective and reformative purposes of the Act. The discussion therefore leads



this Court to the definite conclusion that the petitioner's request to publish his book cannot be denied in the absence of deleterious or harmful content.

The writ petition is accordingly disposed of by directing the 1st respondent to take a decision on the petitioner's application for permission to publish his book '*Bandhitharude Ormakurippukal*' within three months of receipt of certified copy of the judgment and communicate the decision to the petitioner forthwith. While taking the decision, due regard shall be had to the findings of the Supreme Court in **Prabhkar Pandurang Sanzgiri** (supra) and the observations in this judgment.

sd/-

V.G.ARUN, JUDGE

bng/sj



APPENDIX OF WP(C) 29891/2025

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE APPLICATION DATED 17.01.25 SUBMITTED BEFORE THE 4TH RESPONDENT.
Exhibit P2	A TRUE COPY OF THE APPLICATION DATED 15.02.25 SUBMITTED BY THE PETITIONER TO THE HON'BLE CHIEF MINISTER.
Exhibit P3	A TRUE COPY OF THE LETTER PETITION SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE CHIEF JUSTICE OF KERALA DATED 13.05.25.
Exhibit P4	A TRUE COPY OF THE REQUEST LETTER SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 20.07.25.
Exhibit P5	A TRUE COPY OF THE RTI QUESTIONNAIRE SUBMITTED BY THE PETITIONER DATED 13.05.25.
Exhibit P6	A TRUE COPY OF THE RTI REPLY RECEIVED BY THE PETITIONER FROM THE STATE PUBLIC INFORMATION OFFICER AND THE PA TO DGP AND CORRECTIONAL SERVICES, PRISON HEADQUARTERS.

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RESPONDENT EXHIBITS

EXIHIBIT R4(a)

TRUE COPY OF LETTER
NO
KPCS/CP/VYR/137/2025/
WO DATED 18-2-25