



W.P.Crl.(MD)No.993 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

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M.Kalaiselvi

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the Deputy Inspector General of Prisons,
Office Deputy Inspector General of Prison,
Campus of the Madurai Central Prison,
Madurai Range, Arasaradi,
Madurai - 625 016.

2.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli - 627 002.

3.State of Tamilnadu,
Rep. by Inspector of Police,
SIPCOT Police Station,
Thoothukudi 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 respondent No.1 to modify the order dated 13.01.2026 in letter No.939/Vu.Tha2/2025, consequently direct the respondent No.1 herein

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to pass a fresh order to grant 28 days of ordinary leave without police escort to petitioner's father Murugesan, S/o.Mariyappan, aged 67 years, LCT No.4593 as per Rules 20, 22(3) and 40 of Tamilnadu Suspension of Sentence Rules, 1982 as petitioner's father underwent right-leg amputation surgery due to diabetes and various veins and major ulcer on 10.10.2025 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.S.Mohamed Yunnis Raja,
For Dr.R.Alagumani

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

ORDER

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The petitioner's father is undergoing life imprisonment in Central Prison, Palayamkottai. He has spent more than six years in prison. The petitioner's father had suffered amputation in his right leg recently. The petitioner seeks 28 days ordinary leave for his father.



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3.In any prison, one finds persons with disability. Some of the disabilities are acquired while in prison. Their condition has drawn the attention of the Hon'ble Supreme Court which issued a set of directions in decision reported in **2025 SCC OnLine SC 1444 (L.Muruganantham v. State of Tamil Nadu)**. The operative portion of the judgment authored by His Lordship Mr.Justice R.Mahadevan is as follows :

41. In light of the foregoing findings and in furtherance of Articles 14 and 21 of the Constitution of India, the RPwD Act, 2016, and India's international obligations under UNCRPD, the following directions are issued for immediate and time-bound compliance:

41.1. All prison authorities shall promptly identify prisoners with disabilities at the time of admission. Each prisoner shall be given an opportunity to declare any disability and provide information about their specific needs.

41.2. All rules, regulations, and essential information about prison life shall be provided to such prisoners in accessible and understandable formats (e.g. Braille, large print, sign language, or simplified language).

41.3. All prison premises shall be equipped with wheelchair-friendly spaces, accessible toilets, ramps, and sensory-safe environments to ensure universal accessibility.



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41.4. All prisons shall designate and maintain dedicated spaces for physiotherapy, psychotherapy and other necessary therapeutic services.

41.5. A State-level access audit of all prisons in Tamil Nadu shall be completed within six months by an expert committee comprising officials from the Social Welfare Department, the Department for the Welfare of Differently Abled Persons, and certified access auditors.

41.6. Periodic audits shall thereafter be conducted and updated regularly in accordance with the Harmonised Guidelines and Standards for Universal Accessibility in India (2021).

41.7. The prison authorities shall ensure complete compliance with Sections 40 and 45 of the RPwD Act, 2016; Rule 15 of the 2017 Rules and the Harmonised Guidelines, 2021 in all prison infrastructure and services.

41.8. The State shall provide healthcare for prisoners with disabilities equivalent to that available in the community, including access to physiotherapy, speech therapy, psychiatric services, and assistive devices (such as wheelchairs, hearing aids, and crutches).



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41.9. All prison medical officers shall be adequately trained and sensitised to address disabling conditions, ensuring provision of appropriate accommodations and treatment without discrimination or bias. Furthermore, regular awareness and sensitisation programmes shall be conducted in all prisons.

41.10. Every prisoner with a disability shall be provided a nutritious and medically appropriate diet, tailored to their specific health and dietary needs.

41.11. Lifesaving treatments, including regular and need-based physiotherapy and psychotherapy must be made available on-site or through linkage with government health facilities.

41.12. All prison staff shall undergo comprehensive training on the rights of persons with disabilities. This training shall include:

- (a) awareness of equality and non-discrimination principles;
- (b) proper handling of disability-related challenges; and
- (c) use of appropriate language and behaviour, as per the UN Handbook on Prisoners with Special Needs.



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41.13. The State Prison Manual shall be reviewed and appropriately amended within six months to ensure conformity with the RPwD Act, 2016 and UNCRPD.

41.14. A specific section must be incorporated to prohibit discrimination against prisoners with disabilities and promote equal treatment and reasonable accommodation.

41.15. The revised Manual shall be prominently displayed in every prison establishment.

41.16. The State shall undertake periodic consultations with civil society organisations working in the disability sector to develop inclusive policies and identify accommodations based on real needs.

41.17. The State shall constitute a monitoring committee to conduct periodic inspections and submit compliance reports every three months.

41.18. The State shall maintain and update disaggregated data on the disability status of prisoners, including records on accessibility, reasonable accommodations, and medical requirements.”



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4. In Continuation of the above directions, the Hon'ble Supreme

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Court in ***Sathyan Naravoor v. UOI (2025 LiveLaw (SC) 1176*** has

issued the following further directions :

"10. In view of the aforesaid discussion, we hereby direct that, in addition to the salutary directions set out in ***L. Muruganantham (supra)***, the following directions shall also be read in conjunction with the mandate of the said judgment: - A. The directions issued by this Court in ***L. Muruganantham (supra)*** shall be extended to all the States and the Union Territories, to ensure that the principles are adopted mutatis mutandis within their prison systems as well...

B. Every State and Union Territories shall establish a robust, independent and accessible grievance redressal mechanism specifically designed for prisoners with disabilities. The said mechanism shall ensure prompt registration, effective monitoring and timely resolution of complaints, so as to safeguard inmates from systemic neglect, abuse and discriminatory practices.

C. Appropriate facilities shall be created to ensure that prisoners with disabilities have meaningful access to inclusive education within the prison system. No inmate shall be deprived of the opportunity to pursue educational programmes solely on account of disability, and suitable



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adjustments shall be made to facilitate their effective participation.

D. Section 89 of the RPwd Act shall mutatis mutandis be made applicable to prison establishments across the country. All prison authorities shall take adequate steps to disseminate awareness of the obligations flowing from the said provision to all officers, staff, legal-aid personnel, and other stakeholders.

E. Learned counsel appearing for the petitioner has sought directions for the provision of appropriate assistive devices, mobility aids, and other support equipment to prisoners with disabilities. However, considering the crucial issue relating to prison security and the practical modalities of implementation, we, for the present, deem it appropriate to call upon all States and Union Territories to indicate in its compliance report the structured institutional mechanism proposed to ensure the regular availability, maintenance, and secure provision of assistive devices, mobility aids, and other disability-support equipment for prisoners with disabilities. The affidavit shall clearly outline the procedures, infrastructure, procurement systems, supervision protocols, and security measures by which such assistive aids will be made accessible to inmates, enabling them to carry out their



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daily activities with dignity without compromising institutional safety.

F. Prisoners with benchmark disabilities shall be entitled to enhanced visitation provisions, in order to ensure sustained family support, emotional well-being, and continuous monitoring of their special needs. The specific modalities for such visitation shall be framed by the concerned departmental head of each State and Union Territory so as to balance security considerations with the imperative of accessibility and humane treatment.”

5.We are certain that the attention of the second respondent has already been drawn to the aforesaid directives and that they are being implemented. Be that as it may, we direct their immediate enforcement to the extent they are specifically applicable to the petitioner's father Murugesan S/o.Mariyappan.

6.In the case on hand, we want to focus our attention on amputee-prisoners. The petitioner's father suffered amputation while in prison as a direct consequence of his diabetic condition. We are of the opinion that if only his condition had been diagnosed well in advance



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and there had been suitable medical intervention and providing of appropriate diet, such a fate would not have befallen him at all. The 2016 statute introduced the concept of reasonable accommodation which the State and the society must show towards persons with disability. A prisoner is also a person. He is entirely in the care, custody and control of the prison authorities. They therefore have to assume the duty to be reasonably accommodative towards the special needs of prisoners with disability. This duty can be enforced by individual prisoners with disability by filing writ proceedings. They can demand that they should be provided with the required facilities. Since an early diagnosis can prevent calamities such as amputation, we direct the Superintendent of Central Prison, Palayamkottai to hold a master health check up for all the prisoners once in two years. The Hon'ble Supreme Court in **L.Muruganatham** emphasised that reasonable accommodations are not optional but integral to any humane and just carceral system and that a transformation grounded in compassion, accountability and a firm constitutional commitment to dignity and equality is urgently needed. We hold that every prisoner has a right to have a periodical medical check up which would fall within the scope of

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Article 21 of the Constitution of India. Such check ups alone will indicate who is suffering from what condition. Some prisoners may have renal issues. Their diet should have less of salt. Some prisoners may be diabetic. Their food regime will have to be different. The jail authorities are obliged to provide such diet as is suitable for the unique body condition of each prisoner.

7. We recently came across a book titled "**ஒரு தூக்குக் கைதியின் வாக்குமூலம்**", by Thooku Selvam published by Badri Seshadri's Kizhakku Pathippagam. It is a page-turner and unputdownable. A graphic picture of what goes on in the prisons in Tamil Nadu has been portrayed. And it is a sorry state of affairs. We want to focus on Palayamkottai Central Prison alone for the present. Incidentally, we read in the New Indian Express today that public buildings lack tactile pathways and ramps and that they are not at all disability-friendly. The petitioner's father has suffered amputation very recently and that too in his right leg. He would suffer from what is known as "Phantom effect". He may be under the illusion that his right leg is still intact and lose his balance and fall down. He has to be immediately provided with a cot.

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He has to be given the facility of a table so that he can place his essential items on it and need not bend to pick them up. Since during night hours, the prisoner cannot move out of his cell, a western toilet has to be installed for his use. If it is an eastern toilet, it has to be provided with a commode facility. He has to be given counselling and there should be rehabilitation activities. The amputated portion may develop ulcers and hence, there has to be periodical medical check ups. Since the petitioner's father is a diabetic, his diet should be tailored accordingly.

8. Since the incidents of diabetes is on the rise among the general public, it is reasonable to presume that among the prisoners also, there may be quite a number suffering from this condition. We would call upon the Dean, Government Medical College and Hospital, Tirunelveli to immediately conduct a Medical Camp and find out the number of prisoners requiring intervention for diabetes. The diabetic prisoner must be given the medicines and if necessary, insulin treatment also. Every prisoner identified as diabetic, ought to be given the option of taking an appropriate diet. For instance, the coffee or tea that is given to them



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should be sugar-free. Merely because one is a prisoner, one cannot be given a diet that is unsuitable for his body condition. Otherwise, one's condition is bound to deteriorate.

9.It is not known if the petitioner's father requires a wheelchair or a crutch. All the amenities and assistive devices that are required for him shall be immediately provided. The convict in question is a senior citizen too. Therefore, he should be housed in a block from where toilet and dining facilities can be easily accessed. He may also be provided with an assistant whose services can be counted as routine prison work. A prisoner is expected to work and the assistance provided to the petitioner's father can be counted as a part of a prisoner's prescribed duty. Tihar jail had a Kiran Bedi for a brief while and her tenure did make a difference. We hope the current incumbent Superintendent of Palayamkottai Central Prison would take her as a role model and ensure that Central Prison, Palayamkottai is a model prison when it comes to respecting the rights of prisoners with disabilities.



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10. We direct the second respondent to grant twenty eight (28)

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days ordinary leave for the convict without escort. The writ petition is

allowed with the above directions and on the following conditions:-

(a) The convict-prisoner, Murugesan, S/o. Mariyappan, (LCT No.4593) now detained at Central Prison, Palayamkottai is granted ordinary leave for twenty eight (28) from 28.02.2026 to 27.03.2026 without escort.

(b) The convict prisoner shall be released from the prison at 05.00 p.m., on 27.02.2026 and he shall return to the prison at 10.00 a.m., on 28.03.2026.

(c) During the said leave period, he shall report before the Inspector of Police, SIPCOT Police Station, Thoothukudi District on every Thursday at 10.00 a.m. from 28.02.2026 onwards, without fail.

(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

(G.R.S. J.,) & (R.K.M. J.,)
23.02.2026

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

Issue order copy on 24.02.2026.

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To:
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- 1.The Deputy Inspector General of Prisons,
Office Deputy Inspector General of Prison,
Campus of the Madurai Central Prison,
Madurai Range, Arasaradi,
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G.R.SWAMINATHAN, J.
and
R.KALAIMATHI, J.

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