

IN THE SPECIAL COURT FOR THE TRIAL OF NIA CASES, ERNAKULAM

Present: Sri. P.K. Mohandas, Judge, Special Court for NIA Cases

Friday the 4th day of July, 2024/13th Ashada, 1946

Cri.M.P. 284/2024

in

SC No.02/2021/NIA

Petitioner/Accused No. 14 : B.G. Krishnamurthy @ Vijay @ Babanna @ Bhaskar @ Kumara @ Vijay @ Gangadhara @ Gopal Rao (**A14**), age 46 years, S/o. B.K. Gopal Rao, Nemmar Estate, near Bukkadibylu, Shringeri Taluk, Chikkamagaluru District, Karnataka. (RP No. 144, HSP, Viyyur).

By Adv. Sri. Thushar Nirmal Sarathy

Respondent/Complainant : Union of India represented by National Investigation Agency, Kochi.

**By Sri. Arjun Ambalappatta
(Senior Public Prosecutor, NIA) and
Sri. Sreenath.S
(Public Prosecutor, NIA).**

This Criminal M.P coming on for hearing before me on 04.07.2024 and the Court on the same day passed the following:-

ORDER

This is an application filed by the 14th accused in SC No.02/2021/NIA for a direction to provide him some work in the prison.

2. According to the petitioner, he has been undergoing detention in

connection with this case in High Security Prison, Viyyur, since 11.11.2021. As the petitioner has been undergoing detention for a long time, he has financial difficulties to meet his personal expenses. The petitioner has only an aged mother in the house. The petitioner seeks a direction to the Superintendent to provide him some job in the jail to earn money to meet his basic necessities and legal expense.

3. Heard the Special Public Prosecutor and the petitioner. The learned Public Prosecutor submitted that he has no serious objection in allowing the application.

4. The Superintendent has reported that at present there are 226 prisoners in the jail. As there is no manufacturing or food processing unit in the prison, there is no facility to provide work to all the inmates. He reports that it may not be possible to provide work to the petitioner at present.

5. The petitioner has been undergoing detention for long time and he wants to do some work in the jail to earn money to meet his necessities. The Superintendent has reported that there are no sufficient facilities to provide work even to the convicted prisoners. As per the report of the Superintendent, 226 persons are detained in jail. The Jail authorities have to evolve some scheme to use this manpower in a productive manner.

6. The preamble of the Kerala Prisons and Correctional Services (Management) Act, 2010 states that the purpose of the Act is to "*provide for safe custody, correction, reformation, welfare and rehabilitation of prisoners*

and management of prisons and correctional services in the State and for matters connected therewith or incidental thereto.” Section 12 of the Act narrates the functions of the prisons and that include : “(ii) to give correctional treatment to the prisoners in custody so as to efface from their mind the evil influence of anti-social ways of life and to rehabilitate them in the society as good citizens; (iv) to adopt measures for developing a healthy social outlook; (v)(b) to adopt measures to put the prisoners to vocation-oriented labour; (v)(c) to put the prisoners on activities in the prison like cooking, sanitary services, gardening, etc. on a roaster basis; (vi) to take measures for physical, mental and moral uplift of the prisoners; (vii) to provide educational and other facilities for improving qualities, character and mental attitude of prisoners”

7. The proverb *"An idle mind is the devil's workshop"* reminds us that evil thoughts enter into the mind of a lazy and idle person. Providing work in the jail is the basic step to achieve the purpose for which the correctional homes are established. So, it is not possible to deny work to a prisoner stating that sufficient avenues are available.

8. It is the duty of the Superintendent of the jail to take steps for providing the basic amenities, including work to the inmates. Hence, if sufficient facilities are not available, the Superintendent has to take-up the issue with the higher authorities for the fulfillment of the object of S.12 and the Act. Hence he shall take immediate steps in this regard and shall report

the progress in the matter to this court by the end of every quarter, starting from 30.09.2024.

In the meanwhile, the Superintendent shall try to provide work to the inmates, including the petitioner, on roaster basis. Copy of this order shall be communicated to the petitioner and the Superintendent of High Security Prison for further action.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 04th day of July, 2024.

Sd/-
P. K. Mohandas
Judge, Special Court for NIA Cases

Appendix: Nil

Id/-
Judge, Special Court for NIA Cases
(By Order)

//True copy//

Sd/-
Sheristadar