

PROCEEDINGS OF THE HIGH POWERED COMMITTEE

**Present:- Sri C.T. Ravikumar, Judge, Executive Chairman,
Kerala State Legal Services Authority,**

Sri. Rishi Raj Singh IPS, Director General of Prisons & Correctional Services

Sub - Release of prisoners to decongest prisons in the State of Kerala
on parole/interim orders - reg.

Ref- (1) Order of the Hon'ble Supreme Court of India in suo motu W.P.(C)
No.1/2020 dated 23.03.2020

(2) Orders of the Hon'ble High Court of Kerala in W.P.(C) No.9400/2020
dated 25.03.2020 and on subsequent dates

(3) Order dated 7.5.2021 of the Hon'ble Supreme Court of India in
W.P.(C) No.1/2020

(4) Order of the High Powered Committee dated 27.10.2020

On the subject mentioned above, pursuant to the order of the Hon'ble Supreme Court under reference No.3 the High Powered Committee constituted as per the order under Ref No (1) deliberated the matter in detail. As per reference No.(2) the Hon'ble High Court of Kerala directed for the release of prisoners incarcerated in various jails in Kerala who have been accused of having committed offence punishable with imprisonment up to seven years or less with or without fine. Even while issuing such a direction the benefit of the order was made inapplicable in the case of those prisoners with criminal antecedents, previous conviction or under trial/remand in more than one case. The Committee constituted to determine the class of prisoners who would be released on parole or on interim bail, earlier considered letter No.WPI-8643/2020/PRHQ dated 21.8.2020 of the Director General of Prisons & Correctional Services. After detailed consideration it was decided to recommend to the Government for the release of persons from the list of prisoners on parole/interim bail except the following class of prisoners from the list appended to letter dated 21.8.2020.

1. Prisoners charge sheeted for offences under section 20(b)(i)B of NDPS Act;
2. Prisoners charge sheeted for offences under the POCSO Act (read with IPC offences) punishable with 10 years.

JS(G)

Circulate
among Jails

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3. Prisoners charge sheeted for offences under sections 372, 373, 376 and 366A and 392 if committed on the Highway between sunrise and sunset.

The class of prisoners who are entitled to/not entitled to be recommended to be released on parole/interim bail was identified imbibing the spirit of the orders of the Apex Court referred under item (1). Consequently, as per the order referred as item (4), the Committee recommended that prisoners included in the list appended to letter dated 21.8.2020 of the Director General of Prisons & Correctional Services referred above other than those who do not fall within any of the three categories mentioned above as prisoners not entitled to be recommended, can be released on parole/interim bail. Consequently, recommendation in that regard was made to the Government. However, it was decided to recommend not to implement the recommendation dated 27.10.2020 taking into account the fact that the pandemic situation had improved and arrangements/preparations were made in all the jails in terms of Covid Protocol. The position is that as per the recommendation of the Committee 1057 prisoners were released, either on parole or on interim bail. Shortly stated, pursuant to the orders of the Hon'ble Supreme Court and also the order of the Hon'ble High Court prisoners incarcerated in various jails in Kerala who have been accused of having committed offences punishable with imprisonment up to seven years or less with or without fine except those falling within that category but with criminal antecedents previous conviction or are under trial/remand in more than one case, were released taking note of the then prevailing pandemic situation. Subsequently, certain class of prisoners who have committed offences punishable with imprisonment up to 10 years or less, with or without fine, but not belonging to the aforementioned three categories were also identified to be recommended to be released on parole/interim bail.

Taking into account the order of the Hon'ble Apex Court dated 7.5.2021 in Suo Motu W.P.(C)No.1/2020 and the orders/recommendations referred above, in obedience of the order of the Hon'ble Apex Court, it is ordered for the release of all inmates who were

released/recommended to be released earlier, pursuant to the order of the Hon'ble High Court dated 25.3.2020, forthwith. To be precise, those prisoners, remanded/convicted, incarcerated in various jails in Kerala who have been accused/who were accused, in connection with commission of offences punishable with imprisonment up to ten years or less, with or without fine but without criminal antecedents, previous conviction or who are under trial/remanded in more than one case and not belonging to, (1) Prisoners charge sheeted for offences under section 20(b)(ii)B of NDPS Act; (2) Prisoners charge sheeted for offences under the POCSO Act (read with IPC offences) punishable with 10 years; (3) Prisoners charge sheeted for offences under sections 372, 373, 376 and 366A and 392 if committed on the Highway between sunrise and sunset, either released earlier or recommended to be released shall be released either on parole or on interim bail subject to conditions imposed/decided to be imposed.

Dated this the 9th May, 2021



JUSTICE C.T.RAVIKUMAR
Executive Chairman, KELSA



RISHI RAJ SINGH, IPS
Director General of Prisons & Correctional services